

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

GROUP AGAINST SMOG AND
POLLUTION ("GASP"), a
Pennsylvania Nonprofit
Corporation, On Behalf of
Itself and Its Members,

Plaintiff,

v.

CAROL M. BROWNER,
ADMINISTRATOR, UNITED STATES
ENVIRONMENTAL PROTECTION
AGENCY,

Defendant,

v.

U. S. STEEL GROUP, a Unit of USX
Corporation,

Intervenor/Defendant.

Civil Action No. 96-322

Judge Donald E. Ziegler
Magistrate Robert C. Mitchell

**U. S. STEEL GROUP'S, A UNIT OF USX CORPORATION, PROPOSED
ANSWER AND AFFIRMATIVE DEFENSES TO THE COMPLAINT**

AND NOW COMES the U. S. Steel Group, a Unit of USX Corporation ("U. S. Steel"), and submits this Proposed Answer to the Complaint and states as follows.

1. The allegations of paragraph 1 state conclusions of law to which no response is required. To the extent an Answer is required, these allegations are denied.

2. The allegations of paragraph 2 state conclusions of law to which no response is required. By way of further answer, the United States Environmental Protection Agency ("EPA") may extend under Section 188 (d-f) of the Clean Air Act, 42 U.S.C.A. § 7513 (d-f) the time period to review the SIP if necessary. If EPA extends this allowable time, then this suit becomes moot. To the extent an Answer is required, these allegations are denied.

3. The allegations contained in paragraph 3 of the Complaint state conclusions of law to which no response is required. By way of further answer, EPA is allowed to extend the final determination regarding the attainment status of the Liberty Borough Area. The remaining allegations of this paragraph are denied.

4. It is admitted that the Notice in the Federal Register was published by EPA on September 19, 1995. This defendant is without information or belief as to form a sufficient belief as to the truth of the allegations contained in the remaining allegations of this paragraph and therefore denies the same and demands strict proof at the time of trial. Furthermore, the allegations in paragraph 4 state conclusions of law to which no response is required.

5. The allegations of paragraph 5 state conclusions of law to which no response is required. To the extent that an Answer is required, the allegations of this paragraph are denied.

6. The allegations of paragraph 6 state conclusions of law to which no response is required. To the extent that an Answer is required, the allegations of this paragraph are denied.

7. The information contained in paragraph 7 of the Complaint states conclusions of law to which no response is required. By way of further answer, the information regarding the members of the plaintiff's group are in the sole possession of the plaintiff and therefore this defendant is without information or knowledge as to the truth of these allegations and therefore denies the same.

8. The allegations contained in paragraph 8 of the Complaint state conclusions of law to which no response is required. By way of further answer, this defendant is without knowledge or information as to form a belief as to the truth of the remaining allegations contained in this paragraph and therefore denies the same.

9. The allegations contained in paragraph 9 of the Complaint state conclusions of law to which no response is required. To the extent that an Answer is required, the allegations of this paragraph are denied.

10. This defendant denies the allegations contained in paragraph 10 of the Complaint and demands strict proof at the time of trial. To the extent the allegations contained in paragraph 10 state conclusions of law, then no response is required.

11. The allegations of paragraph 11 state conclusions of law to which no response is required. To the extent that an Answer is required, the allegations of this paragraph are denied.

12. The allegations of paragraph 12 state conclusions of law to which no response is required. To the extent that an Answer is required, the allegations of this paragraph are denied.

13. The allegations of paragraph 13 state conclusions of law to which no response is required. To the extent that an Answer is required, the allegations of this paragraph are denied.

14. The allegations of paragraph 14 state conclusions of law to which no response is required. To the extent that an Answer is required, the allegations of this paragraph are denied.

15. The allegations of paragraph 15 are denied and this defendant demands strict proof at the time of trial.

16. The allegations of paragraph 16 state conclusions of law to which no response is required. If a response is required, then this defendant denies these allegations and demands strict proof at the time of trial.

17. The allegations of paragraph 17 state conclusions of law to which no response is required. If a response is required, then this defendant denies these allegations and demands strict proof at the time of trial.

18. The allegations of paragraph 18 state conclusions of law to which no response is required. If a response is required, then this defendant denies these allegations and demands strict proof at the time of trial.

19. The allegations of paragraph 19 state conclusions of law to which no response is required. If a response is required, then this defendant denies these allegations and demands strict proof at the time of trial.

20. The allegations of paragraph 20 state conclusions of law to which no response is required. If a response is required, then this defendant denies these allegations and demands strict proof at the time of trial.

21. The allegations of paragraph 21 state conclusions of law to which no response is required. If a response is required, then this defendant denies these allegations and demands strict proof at the time of trial.

22. The allegations of paragraph 22 state conclusions of law to which no response is required. If a response is required, then this defendant denies these allegations and demands strict proof at the time of trial.

23. The allegations of paragraph 23 state conclusions of law to which no response is required. If a response is required, then this defendant denies these allegations and demands strict proof at the time of trial.

24. The allegations of paragraph 24 state conclusions of law to which no response is required. If a response is required, then this defendant denies these allegations and demands strict proof at the time of trial.

25. The allegations of paragraph 25 state conclusions of law to which no response is required. If a response is required, then this defendant denies these allegations and demands strict proof at the time of trial.

26. The allegations of paragraph 26 state conclusions of law to which no response is required. If a response is required, then this defendant denies these allegations and demands strict proof at the time of trial.

27. The allegations of paragraph 27 state conclusions of law to which no response is required. If a response is required, then this defendant denies these allegations and demands strict proof at the time of trial. EPA is allowed to extend the period of time to take final action.

28. This defendant is without information or knowledge as to form a belief as to the truth of the allegations contained in paragraph 28 and therefore denies the same and demands strict proof at trial. Furthermore, this defendant filed comments regarding the State Implementation Plan which clearly dispute plaintiff's allegations. (Exhibits A-B).

29. The allegations of paragraph 29 state conclusions of law to which no response is required. By way of further answer, this defendant denies the allegations of this paragraph.

30. The allegations of paragraph 30 state conclusions of law to which no response is required. By way of further answer, this defendant denies the allegations of this paragraph.

31. The allegations of paragraph 31 state conclusions of law to which no response is required. By way of further answer, this defendant denies the allegations of this paragraph.

32. The allegations of paragraph 32 state conclusions of law to which no response is required. By way of further answer, this defendant denies the allegations of this paragraph.

33. The allegations of paragraph 33 state conclusions of law to which no response is required. By way of further answer, this defendant denies the allegations of this paragraph.

34. The allegations of paragraph 34 state conclusions of law to which no response is required. By way of further answer, this defendant denies the allegations of this paragraph.

35. It is admitted that GASP has filed comments regarding the proposed rule making. The remaining allegations of paragraph 35 are denied. Furthermore, U. S. Steel filed comments which are attached hereto as Exhibits A-B. By way of further answer, other interested parties have made public comments (Exhibits C-D).

36. The allegations of paragraph 36 state conclusions of law to which no response is required. By way of further answer, this defendant denies the allegations of this paragraph.

Wherefore, this defendant requests the following:

- 1) That the plaintiff's complaint be dismissed with prejudice;
- 2) That fees be awarded to this defendant in defending this action against the plaintiff;
- 3) That this Court enter an order that the Liberty Borough area is in attainment; and
- 4) That the Court award such other relief as this Court deems appropriate.

AFFIRMATIVE DEFENSES

FIRST AFFIRMATIVE DEFENSE

Plaintiff fails to state a cause of action.

SECOND AFFIRMATIVE DEFENSE

The plaintiff's actions are barred by the doctrine of justiciability.

THIRD AFFIRMATIVE DEFENSE

The plaintiff's actions are barred by the doctrine of ripeness.

FOURTH AFFIRMATIVE DEFENSE

The plaintiff's actions are barred by the doctrine of primary jurisdiction since they fail to exhaust all administrative remedies.

FIFTH AFFIRMATIVE DEFENSE

The plaintiff's actions are barred because they lack standing.

SIXTH AFFIRMATIVE DEFENSE

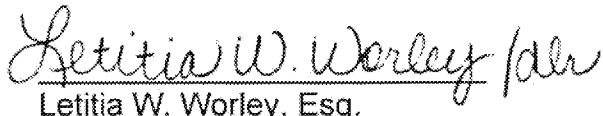
The plaintiff's claims are barred because they failed to name indispensable parties.

Wherefore, this defendant demands that the plaintiff's complaint be dismissed with prejudice.

Respectfully submitted,



David L. Smiga, Esq.
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Facsimile: (412) 433-2811

Attorneys for USX Corporation

Dated: May 3, 1996

CERTIFICATE OF SERVICE

I hereby certify that on May 3, 1996 a true copy of the foregoing was sent via certified mail to the following counsel of record:

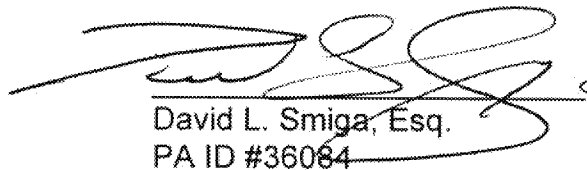
William V. Luneburg, Esquire
3900 Forbes Avenue
Pittsburgh, PA 15260

Karen H. Schodowski, Esquire
Environmental Defense Section
P.O. Box 23986
Washington, D.C. 20026-3986

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Michael Prosper, Esquire
Office of General Counsel
U. S. EPA
Washington, D.C. 20460

Cecil Rodrigues, Esquire
Office of Regional Counsel
U. S. EPA, Region III
841 Chestnut Building
Philadelphia, PA 19107



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E X H I B I T A



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412 433 1174
Fax: 412 433 2015

Charles G. Carson, III
Vice President
Environmental Affairs

November 16, 1995

Ms. Marcia L. Spink
Associate Director-Air Programs
Mailcode 3AT00
U. S. Environmental Protection Agency
Region III
841 Chestnut Building
Philadelphia, PA 19107

Re: USX Corporation - Comments on Proposed Rule
Clean Air Act Reclassification, Liberty Borough, Pennsylvania, PM-10

Dear Ms. Spink:

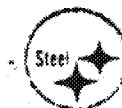
U. S. Steel Group, a Unit of USX Corporation ("U. S. Steel"), respectfully submits the following comments to the Proposed Rule concerning the Clean Air Act Reclassification of Pennsylvania Liberty Borough Non-Attainment for PM₁₀.

On September 19, 1995, the U.S. EPA published in the Federal Register a request for comments on the reclassification of the Liberty Borough nonattainment area from moderate to serious. Specifically comments were to include the following:

The PM₁₀ control requirements adopted to date by the County and the timing and status of their implementation, the compliance status and history of the sources subject to the PM₁₀ control requirements, the efforts made to date to meet the PM₁₀ control requirements, air quality data, and trends as they relate to implementation of the control requirements and weather system occurrences(meteorology)....any mitigating facts, or extenuating circumstance.

On November 15, 1990, the Liberty Borough Area was declared a moderate nonattainment area. Allegheny County began working on the required SIP revision with the intention of meeting the statutory deadline of November 15, 1991. However due to complex terrain, equipment and meteorology, the SIP took over five years to develop and the County spent over \$1.5 million dollars for the development. Due to these extenuating

U. S. Steel Group
A Unit of USX Corporation



circumstances, the SIP revision was not submitted to the EPA until January 1994, and additional time until December 1994 was needed to install controls. These unique timing circumstances are a situation for which the Clean Air Act does not provide guidance.

U. S. Steel's Clairton Works is located in the City of Clairton, one of the five municipalities in the Liberty Borough Area. Clairton Works is the largest producer of metallurgical coke in North America employing over 1,750 persons and impacting several thousand additional jobs in the region. As a significant member of the community, Clairton Works was very involved in the development and implementation of the new SIP. U. S. Steel has complied with all the applicable requirements of the new PM₁₀ SIP, installing new PM₁₀ control equipment at the coal-handling operations in 1994.

The data obtained from the monitors located in the Liberty Borough area show an improvement in air quality over the last five years. Data from monitors located in Glassport, Port Vue, Clairton and Liberty demonstrate attainment of the daily and annual ambient air quality standards.

The exceedances listed in the Federal Register are from the Lincoln High Volume monitor. U. S. Steel believes that the siting of this monitor does not meet the requirements set forth in 40 CFR 58, Appendices D and E, and 40 CFR 50, Appendix K because of the following:

1. Location near Propane Exhaust Chimney: 40 CFR 58, Appendix E, Subsection 8.2 requires that a monitor be placed at least five (5) meters from a chimney which has emissions from natural gas combustion. The Lincoln High Volume Monitor is located less than five meters from a chimney from which exhaust from a propane-fired generator is emitted. Propane is a heavier gas than natural gas producing at least as much particulate matter as that from natural gas. The result of the exhaust located within five meters of the monitor is to produce emissions adequate to influence and invalidate the PM₁₀ measurement.

2. Location near a Dirt Road without Vegetation: 40 CFR 58, Appendix E, Subpart 8.4 prohibits a monitor from being located "in an unpaved area unless there is vegetative ground cover year round." The monitor is located near a dirt and slag road, which was installed specifically to service the monitors, without year-round vegetation.

3. Representative Data: 40 CFR 50, Appendix K, Subsection 2.3, requires that the data used to demonstrate attainment must be three years of representative monitoring data. The data gathered from the Lincoln High Volume monitor is not demographically or meteorologically representative. Unusual combinations of upslope winds, nocturnal

temperature inversions and extremely low mixing heights, while common at the monitor site, are infrequent in the other sections of the Liberty Borough area. In addition the monitor is located on industrial property which is not accessible to the public.

Because the site of the Lincoln High Volume Monitor is not in compliance with the Federal siting requirements, the data from this monitor should not be used in the determination of attainment for the area. If the Lincoln High Volume monitoring data are removed from the analysis, the remaining data from the other monitors located in the Liberty Borough Area show attainment. Thus, U. S. Steel recommends that the U. S. EPA declare the Liberty Borough area in attainment for PM₁₀ because the data from the monitors properly sited in the area show attainment of the daily and annual ambient air standards. The data from the Lincoln High Volume monitor should not be included in such a review as the monitor is not sited in accordance with the Federal siting criteria.

If the Agency is unwilling to redesignate the Liberty Borough area as attainment at this time, the Agency should adopt the following process. U. S. EPA should develop an economic impact study of the redesignation and grant an extension in order to allow time for the revised SIP to be evaluated.

- As a result of Executive Order ("E.O.") 12866 of September 30, 1993, governmental agencies are to determine if proposed regulatory actions are significant and thus should be subject to review by the Office of Management and Budget and to economic analysis. While the cost of redesignating the Liberty Borough as serious is yet to be determined, the impact would be significant and consideration should be given to the preparation of an economic impact study.
- Section 188(d) of the Clean Air Act Amendments of 1990 ("CAAA") provides that a one (1) year extension may be granted if the State has complied with all requirements of the SIP and no more than one exceedance of the 24-hour national ambient air quality standard for PM₁₀ has occurred in the area in the year preceding the extension year. All the measure in the SIP have been met and the data demonstrates compliance with the air quality standards.

To summarize, as an alternative to designating the Liberty Borough area as attainment, U. S. Steel recommends that the U.S. EPA complete an economic impact study of the redesignation as required by E.O. 12866 and grant an extension as permitted by Section 188(d) of the CAAA, during which consideration of an attainment designation can, if necessary, continue.

Ms. Marcia L. Spink
November 16, 1995
Page 4

Attached is a more detailed document which is incorporated by reference and made part of this letter. U. S. Steel requests that the Agency review this attachment and consider the information contained therein in their review process.

U. S. Steel appreciates the time and resources committed to this issue. U. S. Steel will provide any necessary additional information and would be willing to meet with the U.S. EPA to further discuss this matter

Very truly yours,

A handwritten signature in cursive script that reads "Charles G. Carson, III". The signature is written in dark ink and includes a stylized flourish at the end.

Charles G. Carson, III

Attachments

cc: R. Chleboski - ACHD
T. W. Goettge - U. S. Steel
M. Kocoshis - GASP
G. Strelick - USWA

bc: R. F. DiCola
R. Dworek
C. C. Gedeon
R. W. Glenn
B. D. Long
H. R. McCollum
S. K. Todd

E X H I B I T B

Proposed Rule for Clean Air Act

Reclassification of Liberty Borough Non-Attainment Area for PM₁₀

U. S. Steel Group, a unit of USX Corporation ("U. S. Steel"), respectfully submits the following recommendations based on the following detailed comments concerning the proposed rule for the Clean Air Act Reclassification for Pennsylvania Liberty Borough Non-Attainment for PM₁₀:

1. Reclassify the Liberty Borough, Pennsylvania nonattainment area as attainment, or
2. Grant an extension, (See Section XIII). As recommended by Allegheny County grant a one to two year or even a six year extension for new exceedances under the Clean Air Act. (Designate Liberty Borough attainment and a portion of Lincoln as a new, moderate non-attainment area with a six year compliance schedule, 1990 Amendments §105(a))

BACKGROUND

U. S. Steel's Clairton Works is located 20 miles south of Pittsburgh in the City of Clairton. Clairton Works, with twelve coke batteries comprised of 816 ovens, is the largest producer of high-grade metallurgical coke in North America. Clairton Works employs about 1,750 persons and impacts on several thousand additional jobs in the region.

As a significant member of the City of Clairton and the Monongahela Valley Community, U. S. Steel is particularly concerned about the Agency's consideration of reclassifying the Liberty Borough Area to "serious non-attainment."

Before commenting on specific issues relating to the Proposed Rule, it should be pointed out that we consider U.S. Steel Clairton Works to be the industry leader in innovative

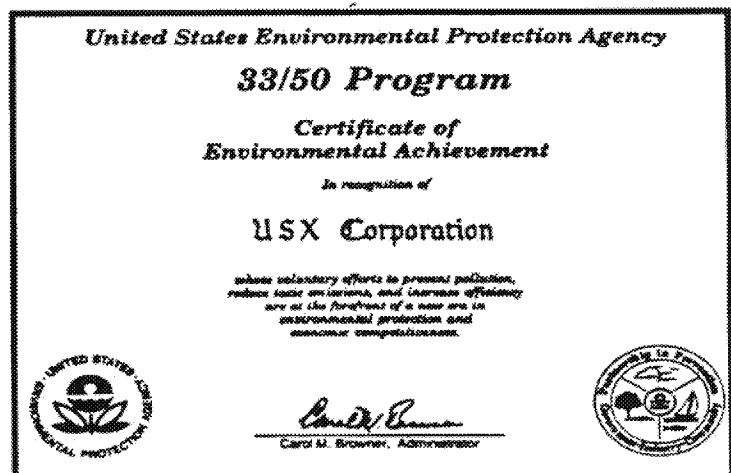


Figure 1 33/50 Award Certificate

solutions to minimizing environmental impacts from operation, in fact, it is our Environmental Policy to be committed to "leadership and stewardship in protecting the environment. Environmental protection is a primary responsibility of every employee." Under this general guideline, Clairton Works has developed numerous proactive environmental programs. Specific to the subject of this proposal, Clairton Works has spent, over the last seven years, about \$200

million dollars related to PM₁₀ air emission controls, much of which was done voluntarily. These controls, which have reduced PM₁₀ emissions, have led the USA coke industry.

The following examples demonstrate our work in striving to be leaders and stewards in protecting the environment, and also show that others agree and applaud our efforts. For example, the battery vent ignitors installed at Clairton Works have been used by the Federal EPA on a national basis to develop a Maximum Available Control Technology (MACT) standard for all coke oven batteries in the USA. Clairton Works has also been a national and state leader in other environmental areas. For example, in 1994, U. S. Steel received the Federal EPA Carol Browner

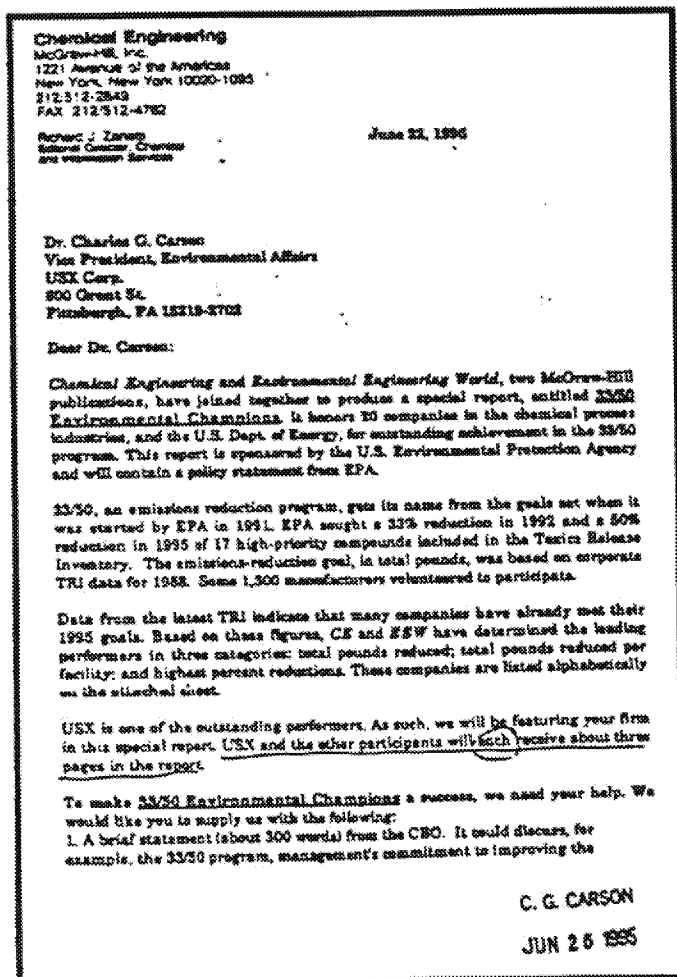


Figure 2 McGraw-Hill Environmental Champions

Award (Figure 1) for reducing 33/50 chemicals, principally at Clairton Works. In 1995, as a result of the sponsorship and support of the Federal EPA, U. S. Steel was designated as one of the "Top 20" U.S. companies for reducing 33/50 chemical emissions. For this accomplishment, U. S. Steel is to receive a McGraw-Hill Award, and the Clairton *success story* is to be highlighted in a Special Report entitled, "33/50 Environmental Champions," to be issued as a separate publication mailed along with the December 1995 issues of Chemical Engineering and Environmental Engineering World magazines (Figure 2). It has been tentatively scheduled that Federal EPA Administrator Carol M.

Browner will present the McGraw-Hill "33/50 Environmental Champion" award to U.S. Steel, particularly for reductions at Clairton Works. Also, in late October, U.S. Steel's Clairton Works was the recipient of Pennsylvania Governor Ridge's Waste Minimization Award (**Figure 3**) for the innovative research, testing, installation, and operation of a new coke oven door that minimizes emissions at the source and has demonstrated a performance equivalent to meeting the most stringent Federal EPA emission standard for coke oven doors—15 years ahead of schedule! The new door emission controls are just one example of the proactive voluntary controls being installed to go beyond current regulatory limits, and that have the potential to reduce PM₁₀ emissions in the Liberty Borough Clairton area.

INTRODUCTION

The Proposed Rule could result in the Liberty Borough Non-attainment Area being reclassified as serious under Section 188(b)(2) of the Clean Air Act. The consequences of such an action would provide for, among other things, the adoption and implementation of best available control measures (BACM) for sources which, under worst-case scenarios, may result in additional millions of dollars for controls for industry and perhaps many more dollars for municipalities for road-dust control activities. The proposed redesignation will also impose additional restrictions on certain new industrial development in the area. This would be contrary to efforts, for example, such as the Mon-Yough Chamber of Commerce study attempting to enhance industrial development in the area. Hence, because of the serious ramifications of a Serious reclassification, U.S. Steel will provide in-depth comments "on relevant matters associated with this proposed action, including comment as to whether there are any mitigating facts or extenuating circumstances that EPA should consider in its review of the monitoring data used to propose to find that the area has not achieved the national ambient air quality standards (NAAQS)." 60 FR 48439.

In addition, the USEPA requested specific comments on the following items:

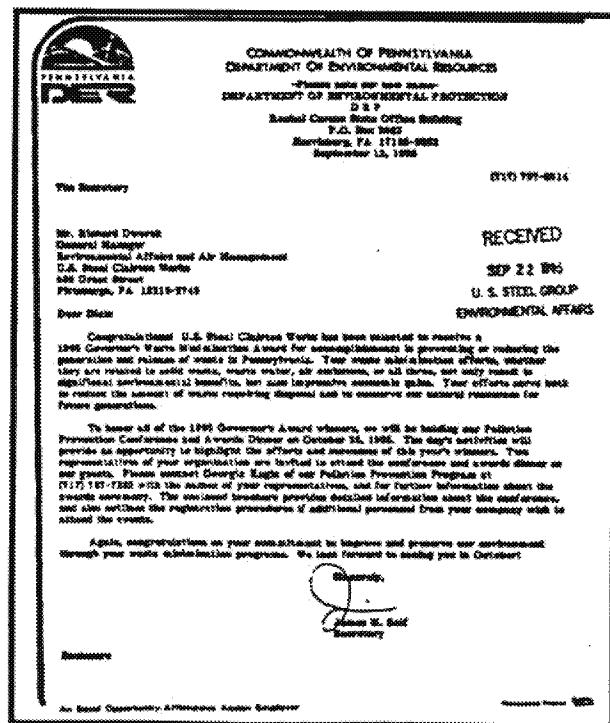


Figure 3 Governor's Waste Minimization Award

"The PM₁₀ control requirements adopted to date by the County and the timing and status of their implementation, the compliance status and history of the sources subject to the PM₁₀ control requirements, the efforts made to date to meet the PM₁₀ control requirements, air quality data, and trends as they relate to implementation of the control requirements and weather system occurrences (meteorology). ...any mitigating facts, or extenuating circumstances..."

Based on the EPA's request, U. S. Steel's comments will include the following section of this report:

- Section I - The PM₁₀ control requirements adopted to date by the County and the timing and status of their implementation.
- Section II - The compliance status and history of the sources subject to the PM₁₀ control requirements.
- Section III - The efforts made to date to meet the requirements.
- Section IV - Air quality data and trends as they relate to the implementation of the control requirements
- Section V - Weather system occurrences (meteorology).
- Section VI - Mitigating factors related to review of the monitoring data, including relevant comparisons of the data.
- Section VII - Relevance of such information in determining whether or not the area has achieved the NAAQS.
- Section VIII - Comments on Executive Order (E.O.) - 12866.
- Section IX - Clairton Works' voluntary activities and plans for future reductions of PM₁₀ levels in the ambient air of the surrounding communities.
- Section X - Timing of Proposed Rule is inappropriate for data taken at the Lincoln High-Volume site.
- Section XI - Leveling the Playing Field and Motivating Individuals to Higher Levels of Environmental Excellence and Leadership
- Section XII - Allegheny County Health Department is to be Commended on efforts to Solve Difficult Non-attainment Issue
- Section XIII - U. S. Steel's Recommendations

SECTION 1 - The PM₁₀ control requirements adopted to date by the County and the timing and status of their Implementation.

Allegheny County began working on the SIP revision with the intention of meeting the statutory deadline. Committees of citizen groups, academia, consultants, industry, and regulatory officials worked on the revision. However, due to the complex terrain, sources, and meteorology, the SIP took over five years to develop, and the County spent over \$1.5 million dollars. Thus, due to extenuating circumstance, the SIP revision was not submitted to the EPA until January 1994, and additional time until December 1994 was needed to install controls. These unique timing circumstances are a situation for which the Clean Air Act does not provide guidance.

U. S. Steel was a major contributor to the County's PM₁₀ Working Group. At times, the following U. S. Steel personnel provided key input to the modeling study to develop the SIP:

Ron McCollum, Manager, Environmental Control

Roy Weiskircher, Manager, Environmental Affairs

Jennifer (Heffern) Kochis, Environmental Engineer

Dick Dworek, Allegheny County Advisory Committee Member
and USS General Manager - Environmental Affairs

Bob Spargal, Environmental Control Engineer

Coleen Hart, Environmental Control Engineer

In addition, U. S. Steel provided expert information and modeling service to the study team via support of the following consultants:

Larry Simmons - Energy and Environmental Management

John Kane - Chester Environmental

John Cooper - Chester Environmental

Brad Reynolds - Chester Environmental

Stan Penkala - Air Science Consultants

The cost to U. S. Steel for consultant service alone was about \$840,000. U. S. Steel's technical input included detailed and comprehensive emissions inventory estimates for Clairton Works, and air quality modeling and meteorological interpretation by recognized experts. It is our opinion that U. S. Steel's technical input was a valuable complement to the work done by Allegheny County, the USEPA and other SIP Subcommittee participants.

**SECTION II - The compliance status and history of the sources
subject to the PM₁₀ control requirements**

U. S. Steel has complied with all the requirements of the new PM₁₀ SIP at Clairton Works. Specifically, U. S. Steel installed new PM₁₀ control equipment at the coal-handling operations in 1994. Tests, observed by and submitted to Allegheny County in 1995, demonstrated compliance with the new PM₁₀ standard. Also, screening stations and baghouse controls are meeting the new standard. In addition, Clairton Works boilers have complied with the full requirements of the new SIP. U. S. Steel completed these activities by December 1, 1994.

It should be pointed out that the above specific requirements are in addition to the very stringent requirements of the previous SIP, and of MACT under the Federal Clean Air Act. U. S. Steel Clairton Works was the leader in the setting of new performance MACT standards and data submitted to the Federal EPA, State, and County show that U. S. Steel Clairton Works has been in 100 percent compliance for doors, offtake, lids, and charging emissions since the MACT extension track standards went into effect on November 15, 1993.

Finally, the above does not recognize the \$ 200 million program that was initiated prior to the new SIP, a program that voluntarily goes beyond regulatory requirements, cleaner and faster, years ahead of the County SIP (see following Section III).

SECTION III - The efforts made to date to meet requirements.

U. S. Steel's Voluntary Control Projects

In addition to the new PM₁₀ SIP adopted by Allegheny County, U. S. Steel has initiated the following "voluntary" PM₁₀ control projects since the non-attainment designation as provided by the Clean Air Act of 1990:

- U. S. Steel "voluntarily" installed battery stack ignitors which subsequently became the MACT standard for the coke industry. These burn any gasses that would have otherwise been released directly into the air, thus reducing PM₁₀ (\$ 3 million)
- U. S. Steel "voluntarily" installed redundant and more efficient desulfurization facilities to increase the reliability of the facility, reducing the potential for emission releases; sulfates have been defined by the USEPA Research Triangle Park as potential key secondary particulate for the Clairton area. (\$28 million)
- U. S. Steel "voluntarily" completed the installation of additional quenching control equipment. There has been no quenching with contaminated water since the Clean Air Act was passed in November 1990 and specifically as of January 1990, i.e., for more than five-and-a-half years. This effort eliminated the PM₁₀ emissions associated with quenching with process water. (\$ 6 million)
- U. S. Steel "voluntarily" initiated an employee environmental awareness training program (CITE), making employees aware of how doing their jobs properly impacts the environment. (\$ 2 million)
- U. S. Steel "voluntarily" installed new primary coolers to improve gas processing. Maintaining cooler temperatures increases reliability of battery suction control (\$37 million)

- U. S. Steel "voluntarily" installed new coke oven door and jamb cleaners, reducing door emissions and PM₁₀. (\$ 7 million)
- U. S. Steel "voluntarily" installed a greenbelt to assist in minimizing fugitive dust. (\$ 1 million)
- U. S. Steel "voluntarily" developed a "new" coke oven door that reduces emissions and "new" doors are currently being installed on all batteries. (\$ 5 million)
- U. S. Steel completed in 1990 the installation battery pushing emission controls which directly eliminate large quantities of PM₁₀. (\$38 million)
- U. S. Steel installed by-product controls reducing vapors that contribute to the PM₁₀. (\$56 million)

In summary, over \$200 million was spent to help control PM₁₀ and other emissions. In addition, tremendous efforts were made by the work force to control the emissions by operating practices. The attached Clairton Works 1994 Environmental Report, specifically pages 9-17, 20-24, 30, 31, and 35-38 show the types of control related to the improved PM₁₀ emissions. (See Appendix I)

SECTION IV

Air quality data and trends as they relate to the implementation of the control requirements.

As per the title of this proposal, "Liberty Borough Pennsylvania Non-Attainment Area," we are proud and pleased to point out that the monitoring station (Liberty Borough) responsible for the original non-attainment designation, as per the Clean Air Act Amendments of 1990, now shows significant improvements and clearly demonstrates attainment.

The data is reflected by the following chart at the Liberty Borough high-volume monitor:

The above County data shows that there were 16 exceedances of the PM₁₀ daily ambient air quality standard in 1988, there were 7 exceedances in 1989 and 8 in

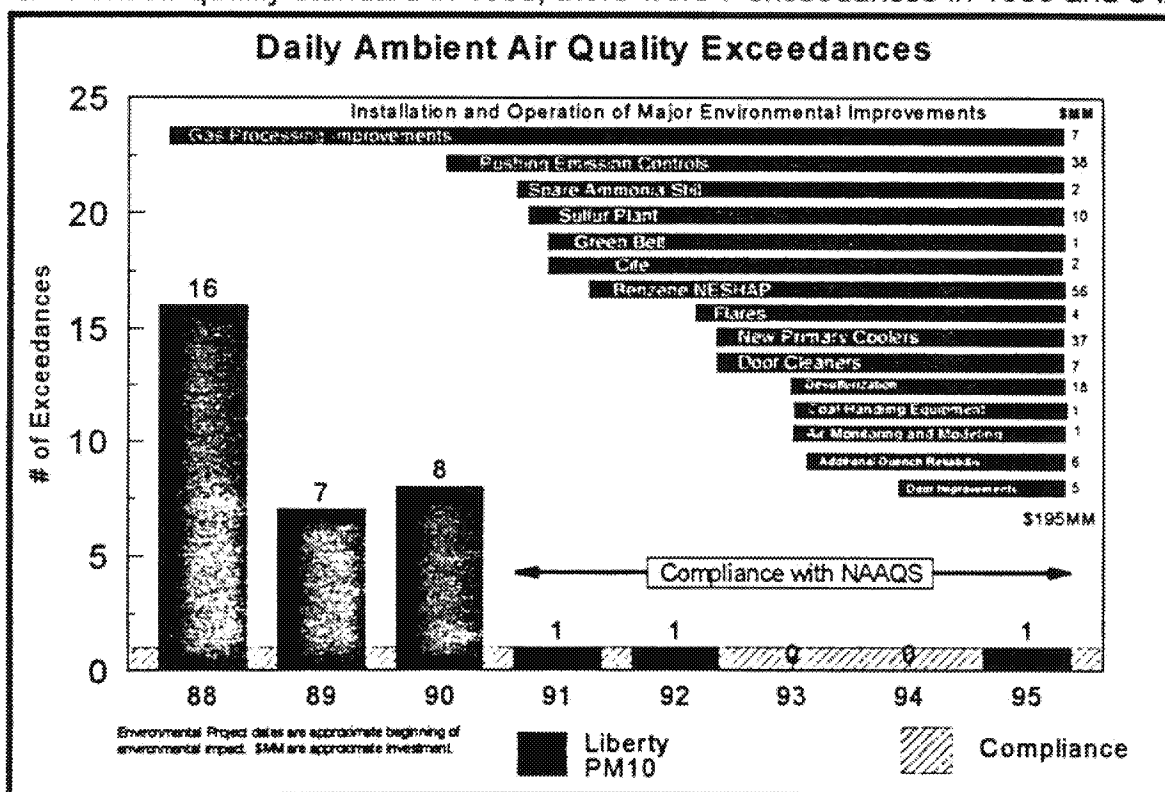


Figure 4 Liberty PM10 Exceedances

1990, but only 1 exceedance in 1991 and 1992, and, most important, "zero" exceedances in 1993 and 1994. Based on the data in 1992, 1993, and 1994 (1 actual exceedance and a calculated expected exceedance of 0.4, the high-volume Liberty Borough monitor has demonstrated compliance for the daily PM₁₀ standard.

Also, as can be seen by the above chart, the greatest improvements occurred in 1991. This should be kept in mind because the EPA has requested

information on "air quality data and trends as they relate to the implementation of the control requirements."

As can be seen by the data, the greatest drop in air quality levels probably did not result from "command and control requirements" as regulated by the environmental agencies, but resulted from the voluntary, proactive efforts and millions of dollars spent on the many projects initiated by U. S. Steel in 1989 and completed in 1990 and later — well ahead of the "command and control SIP" requirements of 1993 and 1994.

Figure 5 shows the trend for PM₁₀ annual values at the Liberty Borough high-volume monitor.

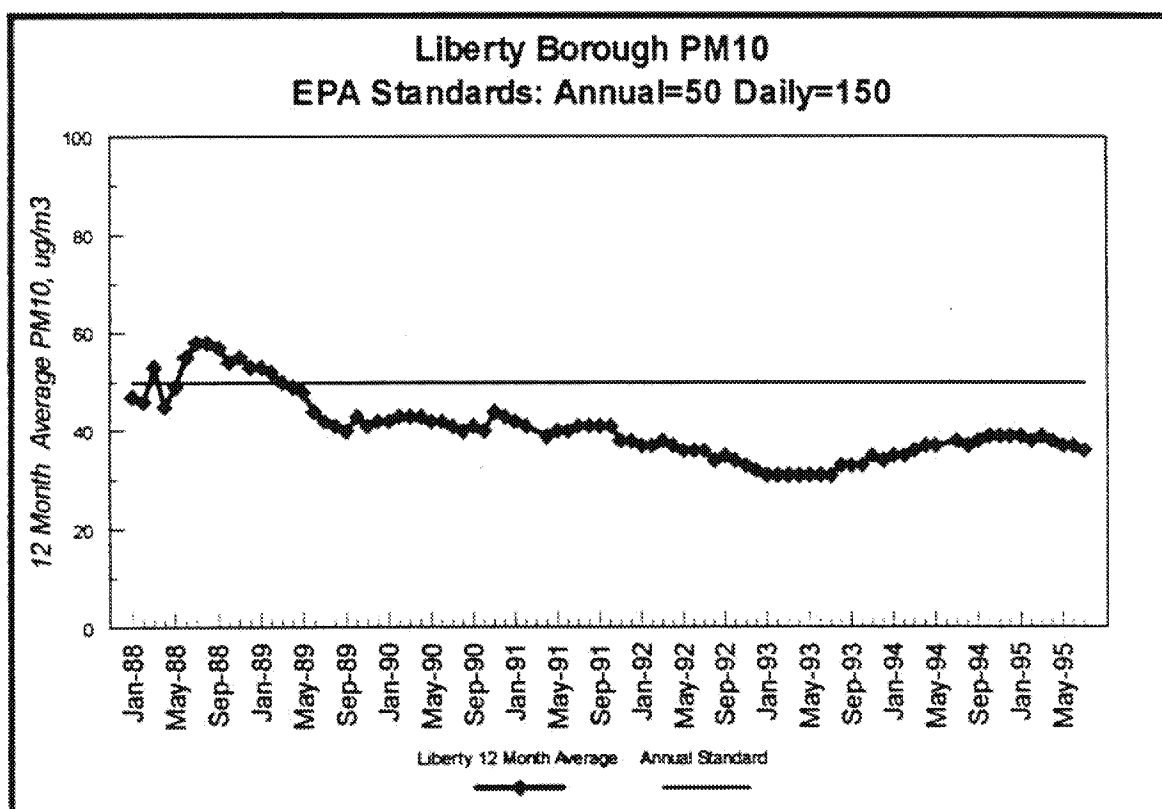


Figure 5 Liberty Hi-Vol Monitor 12-Month Average PM10

Again, the improvement trend is substantially positive over the period 1988-1994.

In 1988, the annual average was 53 $\mu\text{g}/\text{M}^3$. This improved to 43 $\mu\text{g}/\text{M}^3$ in 1989. A substantial improvement was noted in 1991 as the annual average was 38 $\mu\text{g}/\text{M}^3$, well below the annual standard of 50 $\mu\text{g}/\text{m}^3$. The favorable trend has continued and annual values average 35 $\mu\text{g}/\text{m}^3$ over the period 1992-1994, approaching background levels for populated Allegheny County. The clear

conclusion is that annual average values for PM₁₀ have demonstrated attainment over the period 1992-1994.

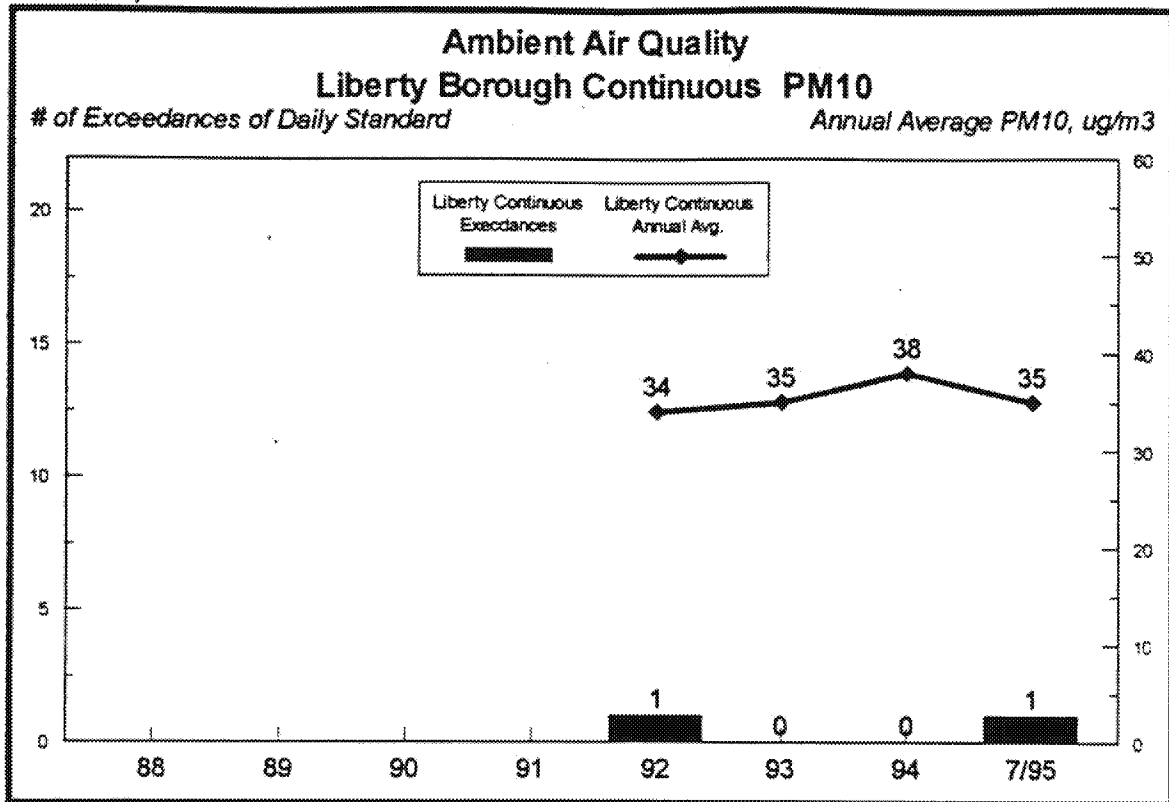


Figure 6 Liberty Continuous PM10 Monitor

Similar results are shown in the chart for the Liberty continuous monitor, as illustrated in Figure 6. This chart shows that attainment has been demonstrated at the Liberty Continuous monitor.

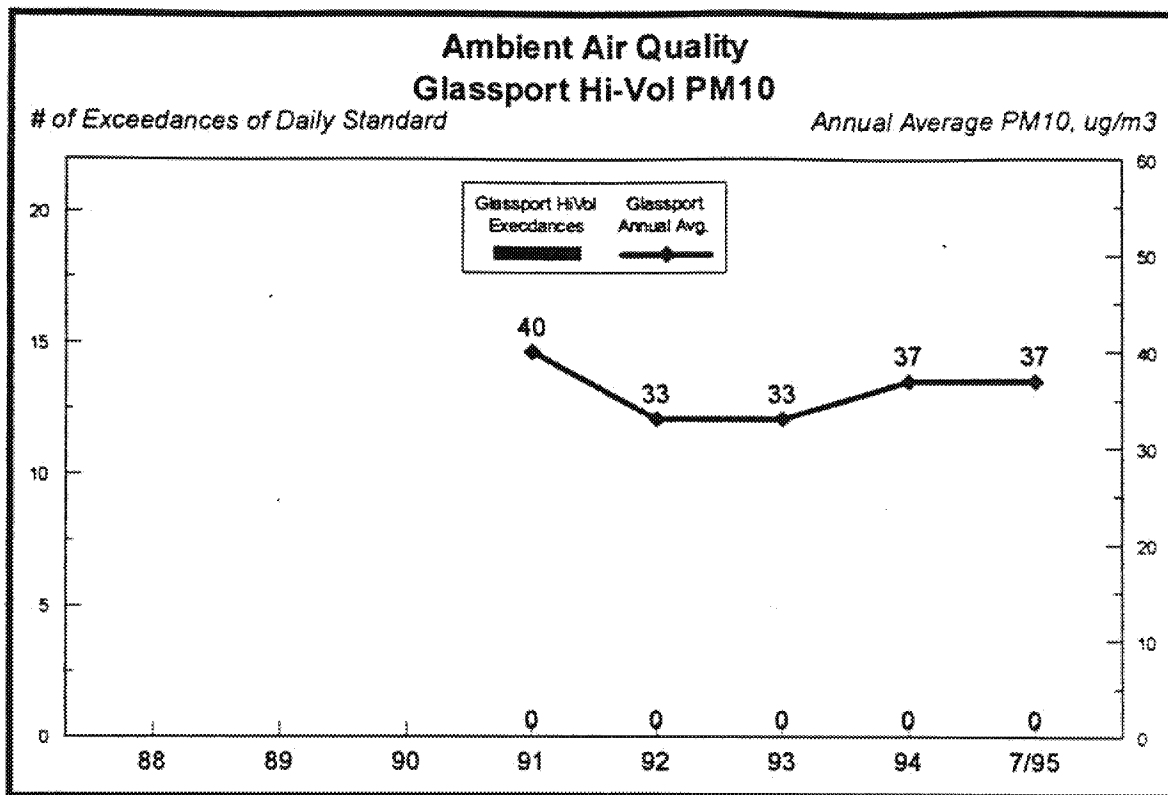


Figure 7 Glassport Hi-Vol PM10

CONCLUSION NO. 1

Based on Allegheny County's daily and annual improvements to air quality, there has been a positive change from non-attainment data to attainment data. The Liberty Borough area should now be reclassified but not from "non-attainment" to "serious", but clearly and without debate *from "moderate non-attainment" to "ATTAINMENT"*.

Similarly, charts have been prepared for all other monitoring stations in the area.

Figure 7 is a plot of the number of daily exceedances at the Glassport high-volume monitor and the annual average as compared to the annual standard of 50 ug/M³. **This chart shows that attainment has been demonstrated at Glassport.**

CONCLUSIONS NO. 2 and No. 3

The Glassport and Port Vue* areas should now be reclassified, but not from "non-attainment" to "serious, but clearly and without debate from *moderate non-attainment* to "ATTAINMENT".

- * Port Vue is further away from Clairton, as compared to Glassport. If Glassport shows compliance, then Port Vue shows compliance. Also, if a potential problem exists, the County would monitor in Port Vue, and they have not done so; therefore, "no problem."

Figure 8 is a plot of the number of daily exceedances at the Clairton high-volume monitor and a plot of the annual trends as compared to the annual standard of 50 $\mu\text{g}/\text{M}^3$. This chart shows that attainment has been demonstrated at Clairton.

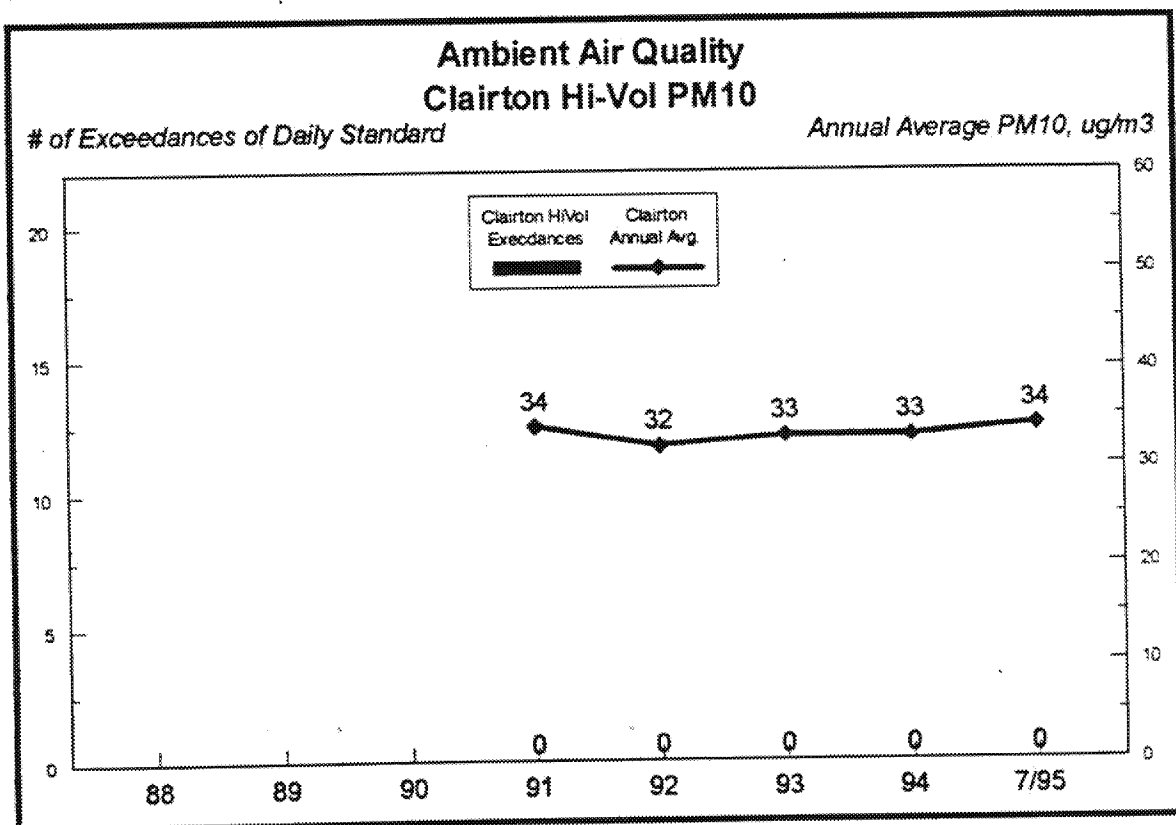


Figure 8 Clairton Hi-Vol PM10 Monitor

Figure 9 is a plot of the number of daily exceedances at the Clairton continuous monitor and the annual average trend as compared to the annual standard of 50 $\mu\text{g}/\text{M}^3$. This chart shows that attainment has been demonstrated at Clairton.

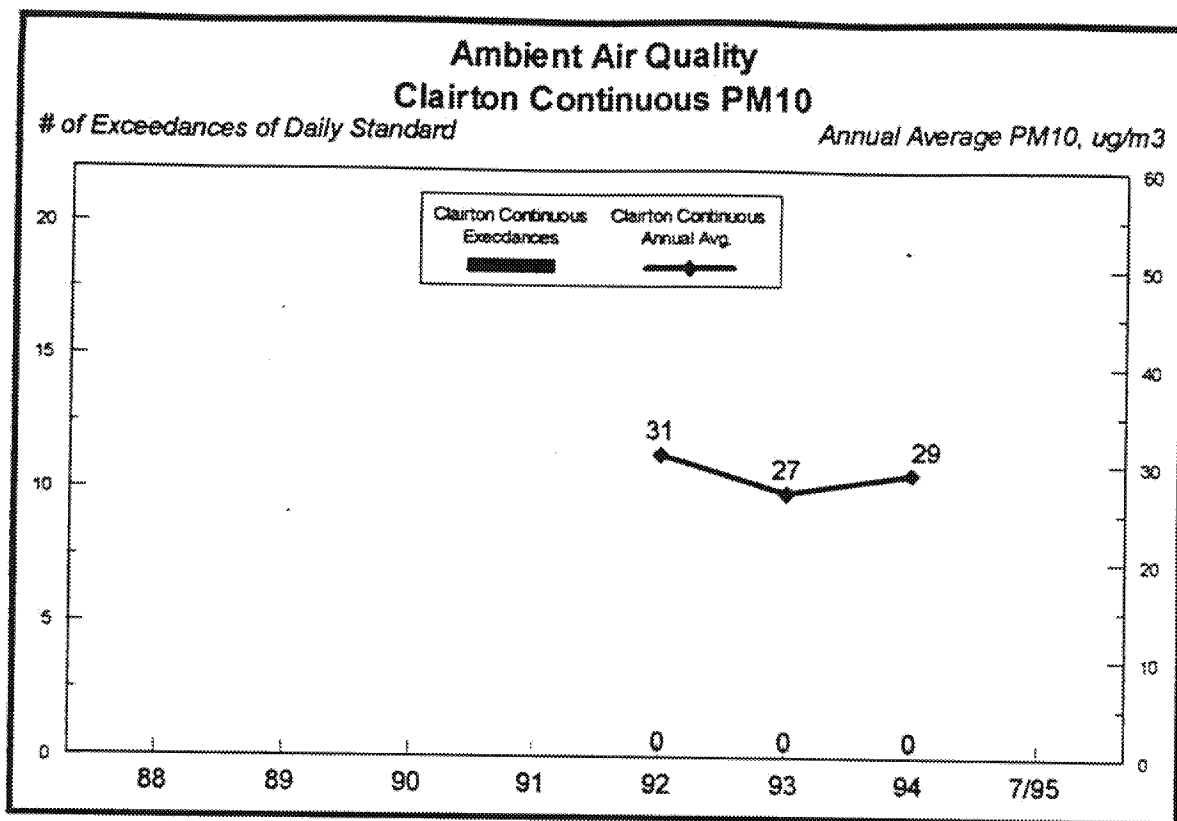


Figure 9 Clairton Continuous PM10 Monitor

CONCLUSION NO. 4

The Clairton area should now be reclassified, but not from "non-attainment" to "serious," but clearly and without debate from "*moderate non-attainment*" to "ATTAINMENT".

Figure 10 is a plot of the number of daily exceedances at the Lincoln-continuous monitor and the annual trend for comparison to the annual standard of 50 ug/M³.

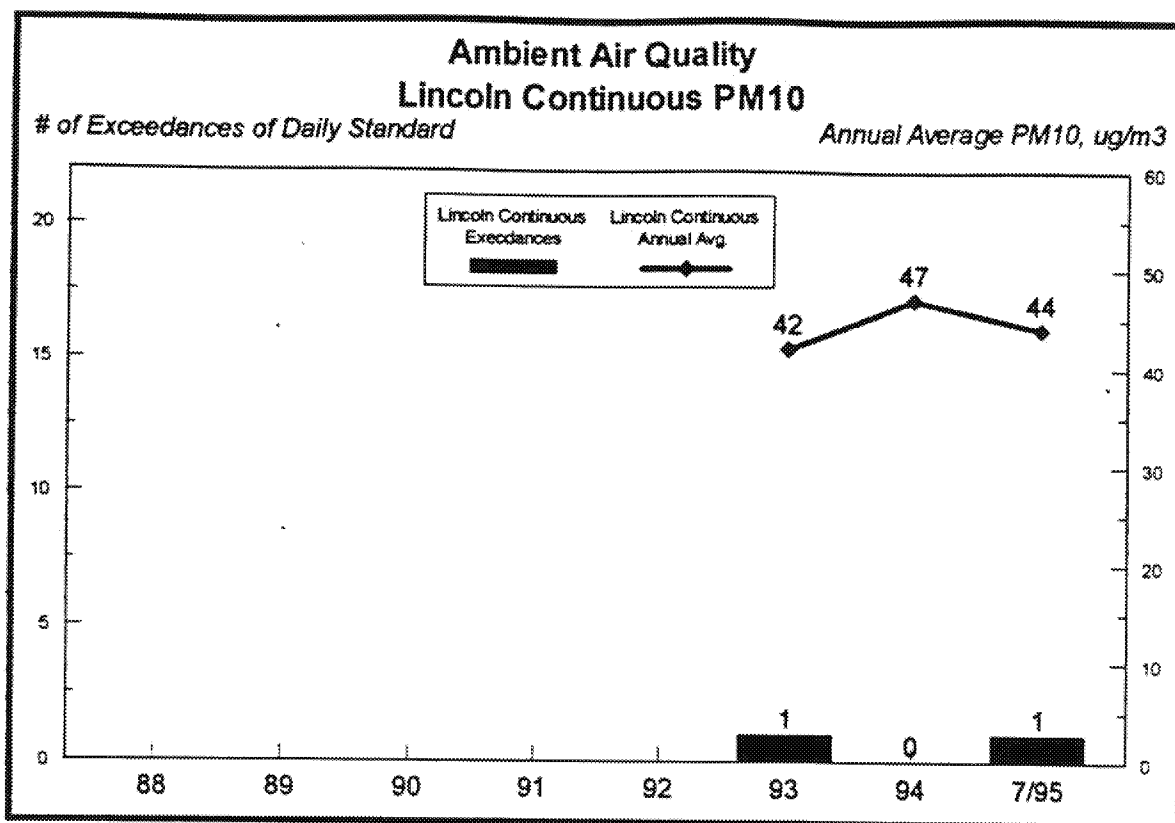


Figure 10 Lincoln Continuous Monitor

Figure 11 is a plot of the number of daily exceedances at the Lincoln "Bellebridge-5" high-volume sampler and the annual average trend for comparison to the annual standard of 50 ug/M³.

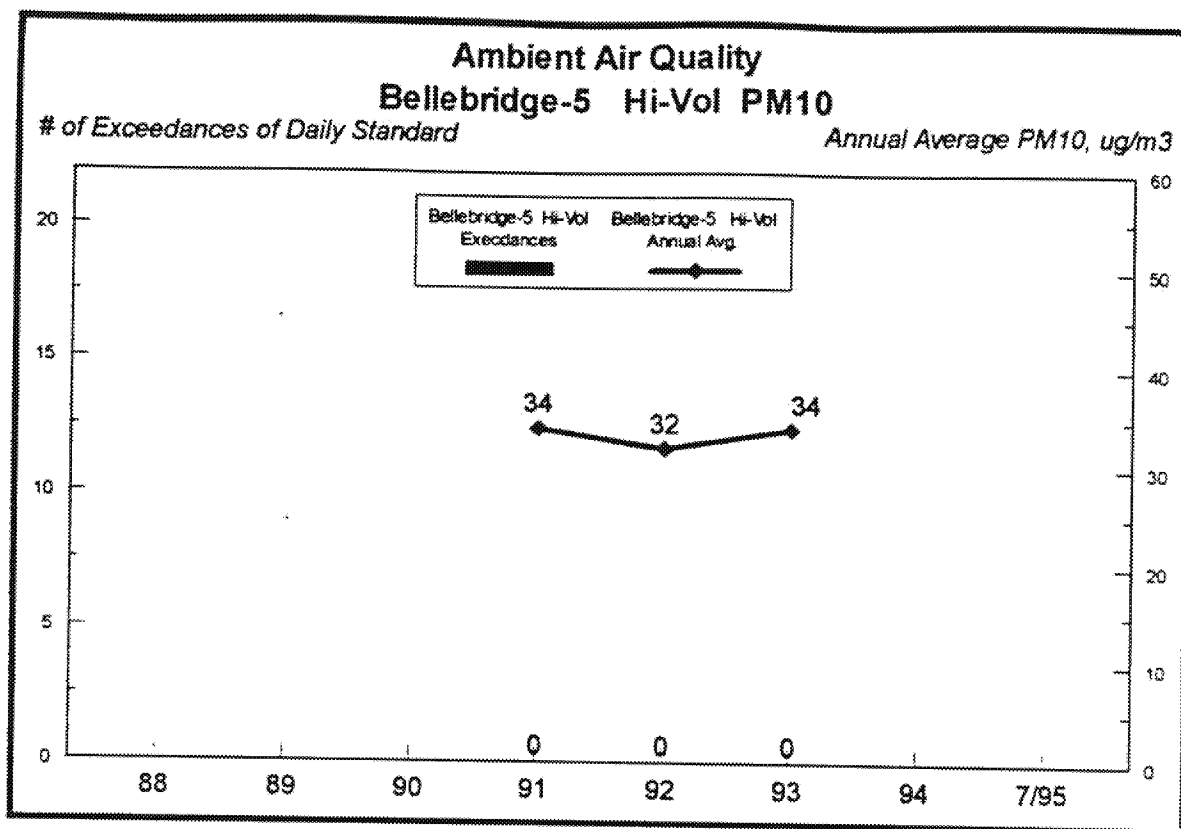


Figure 11 Bellebridge-5 Hi Vol

In addition, the following supplemental data for the Lincoln Borough community has been taken and is listed for review. **Figure 12** is a chart of daily air quality data over a limited period of time (9/22/95 to 10/27/95) for three monitors in Lincoln Borough. The data indicated the following:

- The data at the County's Lincoln site (as represented by the County's TEOM) is biased high as compared to the USS Farm station located only about 300 yards away, and biased high as compared to a second station at a residence in Lincoln which is located close to the 24-hour "hot spot" as currently predicted by the County's latest SIP model. The high bias is probably an indication of the combination of PM₁₀ contamination levels from the propane generator and unrepresentative meteorology (see section VI).
- Representative data taken at two other sites (USS Farm and USS Residence) in Lincoln and near inhabited buildings and near the predicted 24-hour "hot spot" do not support the proposal that the Liberty Borough-Clairton Area should be redesignated as Serious Non-attainment.

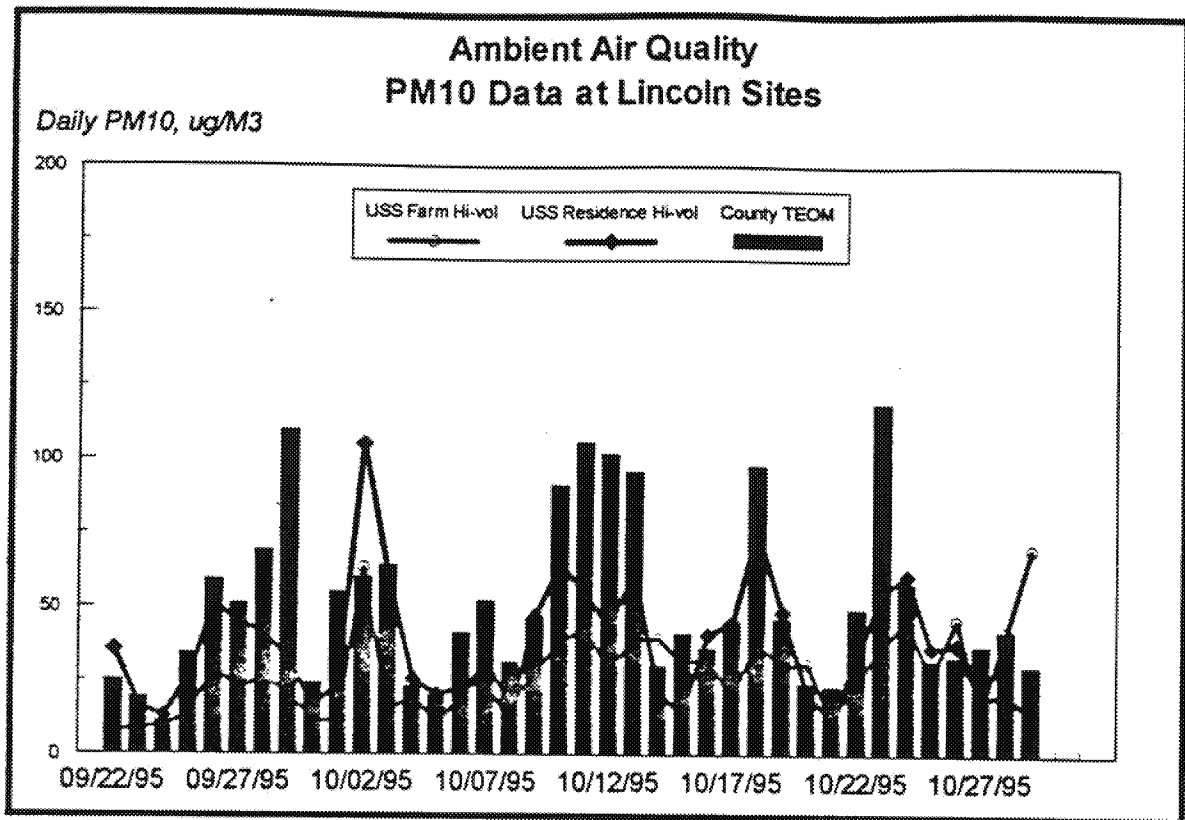


Figure 12 Supplemental Lincoln Monitoring Sites

CONCLUSION NO. 5

Lincoln continuous monitor and Lincoln Bellbridge-5 high-volume sampler should now be reclassified, but not from "non-attainment" to "serious," but from "*moderate non-attainment*" to "ATTAINMENT".

The logic in designating these areas as "attainment" is based on demonstrated monitoring results and is consistent with history and designations of attainment in Allegheny County. For example, at one time, all of Allegheny County was *non-attainment* for total suspended particulate matter. Then small sections of the County were redesignated, based on monitoring data in the smaller sections. Now that more data has been taken over the last several years (Liberty, Glassport, Port Vue, Clairton) and all (or part) of Lincoln should be designated as "ATTAINMENT." This will have positive effects for these communities, such as eliminating the possibility of municipal road-dust controls and more onerous provisions for industrial expansion. Most important, it eliminates the unfair and inaccurate "pollution alarm" to the citizens of those communities and it eliminates the stigma that these communities are "non-

attainment," when the data clearly show that Liberty, Glassport, Port Vue, Clairton, and all or part of Lincoln are "ATTAINMENT."

A detailed discussion of the Lincoln high-volume monitor is included in Sections VI and VII.

SECTION V - Weather system occurrences (meteorology)

With respect to weather system occurrences, there are two salient points:

1. Meteorology at the Lincoln high-volume station is not "representative" of the meteorology within the five-community area (Clairton, Glassport, Liberty, Lincoln, and Port Vue).

40 CFR Part 58, Appendix D, as published in the Federal Register, highlights the need for monitors to have "representativeness," i.e., to be "representative." Webster defines "representative" as "a typical example or specimen of a group, quality, or kind" or "exemplifying a group or kind."

U. S. Steel personnel and consultants have made numerous visits and made numerous observations of the specific weather conditions at the Lincoln high-volume site. The U. S. Steel consultants were Chester Environmental and Energy and Environmental Management. All have reported that the meteorology at the Lincoln high-volume station is not "representative" of the five-community area. There are strong up-slope winds that occur at the edge of the ridge, which are unlike any other point within the area. This is not surprising to local citizens. There have been several occasions in the past where adventurous local "hang gliders" used the area near the Lincoln station for takeoffs because of the unique up-slope winds and thermals, i.e., "a rising air current caused by heating from the underlying surface." The weather system occurrences (meteorology) at the Lincoln station are not "representative"; they are "abnormal" to the meteorology of the five-community area. No one from this general area can ever recollect any "hang gliding" incidents, for example, at 10th and Delaware in Glassport, at State Street in Clairton, at Washington Boulevard in Liberty, etc. The bottom line is that this station is based on a unique micro-weather system, and the Lincoln high-volume site should not be used because it is not meteorologically representative of the five-community area.

2. As of the present time and because of the tremendous efforts made and expended for controls, meteorology (stagnation weather system occurrences) is probably the most dominant factor related to current elevated PM₁₀ readings. This conclusion is based on careful examination of daily data versus meteorological conditions at several stations.

As per the lead of the Pennsylvania Department of Environmental Protection and the Allegheny County Health Department for development of an Ozone Action Plan, U. S. Steel Clairton Works has developed a unique and innovative PM₁₀ Self Audit Emergency Action Plan which will be implemented during periods of

**SECTION VI - Mitigating factors Related to Review of the
Monitoring Data, Including Relevant Comparisons
of the Data.**

INTRODUCTION

U. S. EPA requested mitigating factors related to the review of the monitoring data, including relevant comparison of the data. The following information is presented in Section VI to respond to above issue:

The most important comment in this category is that the Lincoln high volume monitor (the only monitor which could be construed as indicated nonattainment) does not meet the siting guidelines of 40 CFR 58, Appendix E, Subsections 8.2 and 8.4 and Appendix D, Subsection 2.8.

40 CFR 50, Appendix K provides that the data used must be produced by National Air Monitoring Stations, (NAMS), State and Local Air Monitoring Stations (SLAMS) and "other sites submitted to the EPA in accordance with Part 58 requirements". (40 CFR 50, Appendix K, 2.3.)

For the years 1992, through 1994, the Lincoln High Volume Monitor was designated as a special purpose monitor. Any data from an ambient air quality monitor which is not a SLAM or PSD station may be used as a basis for demonstration of attainment or non attainment if the monitor meets the requirements for a SLAM monitor. These requirements are set forth in 40 CFR 58, Appendices A, C, D, and E. Information highlighted in Section VI indicates the special purpose monitor at Lincoln does not meet all of the requirements of a SLAM monitor.

SUMMARY

**1. The Lincoln Monitors Violate Federal Siting Criteria Resulting in
Biased Values and Inappropriate Data**

- Measurements are contaminated by the monitor's power source.
- The monitor is located near a dirt and slag road and near sparsely vegetated soil.
- The Lincoln site is not demographically or meteorologically representative.

2. There is conflicting data from two monitors at same location and the high volume data is biased by passive accumulation. Considering the data collectively (averaging of the readings from both monitors) and when corrections are made based on the Allegheny County Passive Accumulation Study, there is no basis for a "serious" nonattainment reclassification.

DETAILED DISCUSSION

1a. Measurements Are Contaminated by the Monitor's Power Source

The requirement for the siting of monitors used to measure Particulate Matter as set forth in Appendix E Subsection 8. Subsection 8.2 requires that the monitor be placed at least five (5) meters from a chimney which has emissions from natural gas combustion. The implication of this requirement is that even natural gas, one of the lowest emissions fuels available, could produce emissions adequate to influence and invalidate the PM-10 measurement.

The Lincoln High Volume Monitor does not meet this requirement as it is less than five meters from a chimney, in this case the exhaust from propane-fired generator which supplies power to the Lincoln monitors. Propane is a heavier gas than natural gas, therefore, the particulate matter produced as a result of its combustion should be at least as great as that from natural gas. Thus, the effect of the exhaust located so close to the monitor will be substantially similar to that prohibited by the regulation.

Figure 14 shows that the horizontal distance from the generator drive's exhaust is much less than three meters, in the best case, and much less than one meter in the worst case. The material impact of this is demonstrated by reviewing the

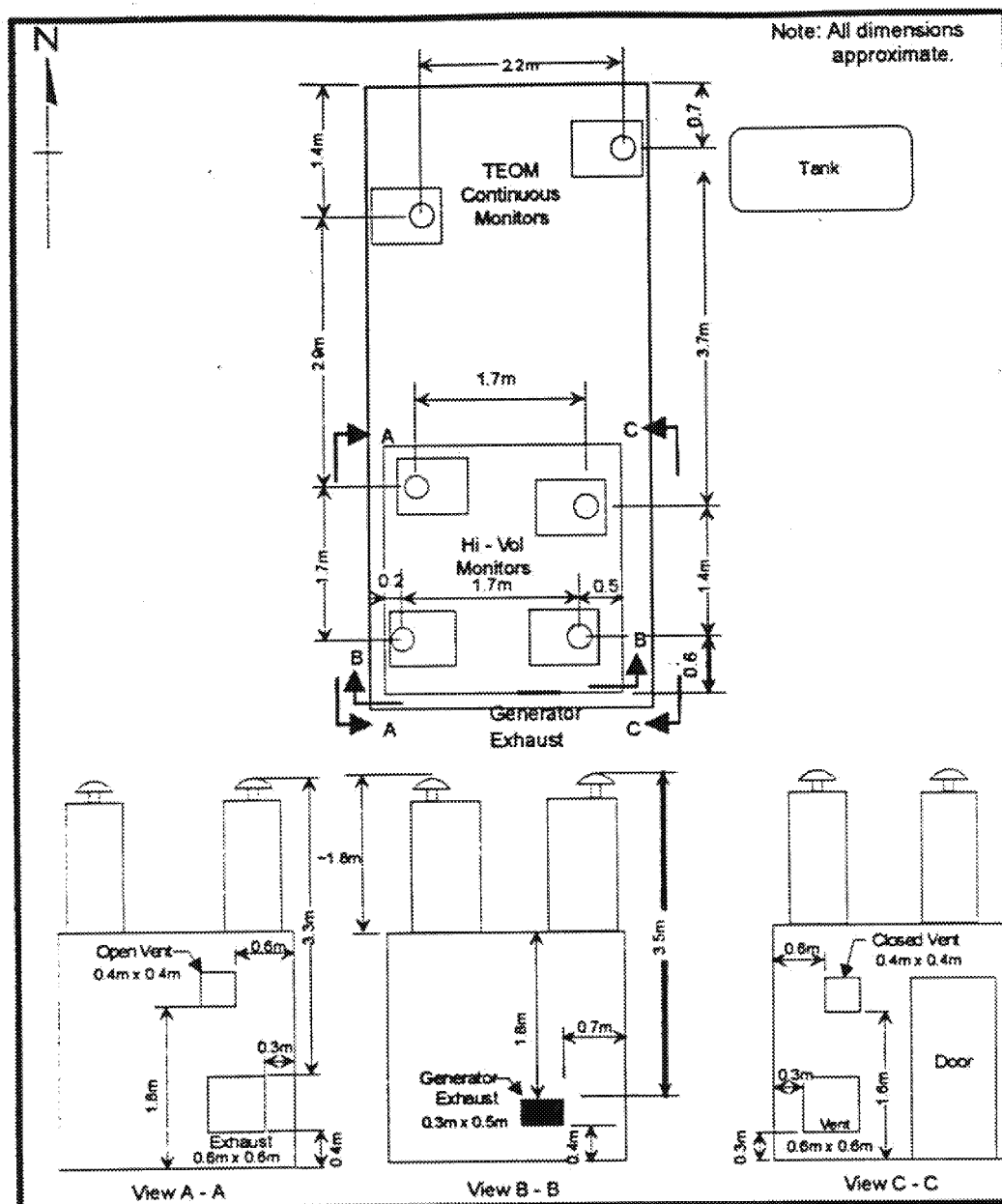


Figure 14 Plot Plan of County Lincoln Monitor

location of the generator exhaust (virtually directly below the monitor intake) and the probable emissions associated with the exhaust. The PM-10 emission standard for natural gas fired reciprocating engines in Allegheny County Article XXI §2104.6 is 0.012 pounds/million BTU's input. Allegheny County has always set regulatory limits near the maximum of actual emissions and considering that propane is likely to be a higher emitting fuel than natural gas, a reasonable estimate of emissions for this source should be based on Allegheny

Article XXI standard. When that standard is converted to ug/M³ in the exhaust gasses, the result is a particulate concentration of a least 9,900 ug/M³; at a stcichiometric fuel to air ratio exhaust gasses meeting the standard concentration would be over 18,000 ug/M³.

Discharging that exhaust at a location virtually directly under the high volume air monitors will have the effect of increasing monitored values. Furthermore, the impact is likely to be exacerbated when air is stagnant, the very conditions which have produced the highest monitored values and the "exceedances" which have led to the current proposal to redesignate the area to "serious".

Estimated Concentration of Particulate Matter in Exhaust
from a Propane Fueled Internal Combustion Engine

A	B	C	D	E	F	G
Condition	Fuel/Air Ratio (fuel as vol% of fuel +air)	Chemical Reaction (balanced)	Exhaust Gas Volume (scf / scf fuel)	Exhaust Gas Volume (scf / mmbtu) (D x 392)	Particulate Matter (lb / mmbtu)	Particulate Matter (ug / M ³) $\frac{(F \times 454)(10^6)}{E \times 0.0283 \text{ M}^3/\text{ft}^3}$
Stoichiometric (Theoretical)	4.02% note 1	$\text{C}_3\text{H}_8 + 5\text{O}_2 + 20\text{N}_2 \rightarrow 3\text{CO}_2 + 4\text{H}_2\text{O} + 20\text{N}_2$	27	10,584	0.012	18,189
Maximum Air	2.10% note 1	$\text{C}_3\text{H}_8 + 9.78\text{O}_2 + 36.8\text{N}_2 \rightarrow 3\text{CO}_2 + 4\text{H}_2\text{O} + 5.79\text{O}_2 + 36.8\text{N}_2$ note 2	49.59 note 3	19,439 note 4	0.012 note 5	9,903

① Perry's Handbook pg. 1585, Table 20, 3rd Edition, 1950

② Reactants adjusted to 2.1% C₃H₈ with excess air simplified to 21% O₂ and 79% N₂; excess O₂ and all N₂ are included in products

③ Sum of product side coefficients

④ Propane at 2550 Btu/ft³ (Perry's pg. 1577, Table 16): $(1 \times 10^6) / 2550 \text{ Btu}/\text{ft}^3 = 392 \text{ ft}^3/\text{mmbtu}$

⑤ Article XXI §2104.02 used for estimating purposes only, the size of the Lincoln monitor unit might not meet the threshold value for the Article XXI Standard to be applicable

1b. The monitor is located near a dirt and slag road and near sparsely vegetated soil. The road was installed specifically to service the Lincoln Monitors.

1c. The Lincoln Site is not Demographically or Meteorologically Representative

40 CFR 50, Appendix K,. Subsection 2.3 requires that three years of representative data be used. The data obtained from the Lincoln monitor is not representative because the area in which the monitor is located is not demographically or meteorologically representative of the area.

The monitor is located on industrial property which is not accessible to the public. In SIP development it is common practice, accepted by the government to disregard modeled "hot spots" located on industrial property.

Hence, monitoring at industrial property is not appropriate for nonattainment determination. The area is not populated with residential homes or industrial buildings as other areas of Liberty Borough are. Thus, the location of the monitor is not an area which is demographically representative of the Liberty Borough area.

The monitor is located at the top of the valley ridge and above the stacks of surrounding industry. Unusual combinations of upslope winds, nocturnal temperature inversions and extremely low mixing heights, while common at the monitor site, are infrequent in the other section of the Liberty Borough area.

On inversion days, the Lincoln monitor virtually becomes an instack monitor. Combustion sources meeting "clean" BACM levels of 0.015 gr/scf (34,325 ug/M³) cannot meet the 150 ug/M³ ambient air standard at all times. Nor, under severe weather and monitoring conditions, could any other industry even if that industry, meets the most stringent EPA LAER/BACM/New Source requirements but discharges emission of 0.008 gr/scf (11,442 ug/M³)

40 CFR 58, Appendix D, lists the basic monitoring objectives which includes "to determine representative concentrations in areas of high population density." Six scales of representativeness for the monitoring objectives include the microscale, middle scale, neighborhood scale, urban scale, regional scale and national and global scale.

The concept of spatial scales of representativeness was defined to clarify the link between monitoring objectives and physical location of the station.

Evaluation of the siting of the Lincoln monitor should be based on the microscale because

- The unique meteorology of the area has been empirically observed during visits to the site and anecdotally verified by hang gliding enthusiasts.

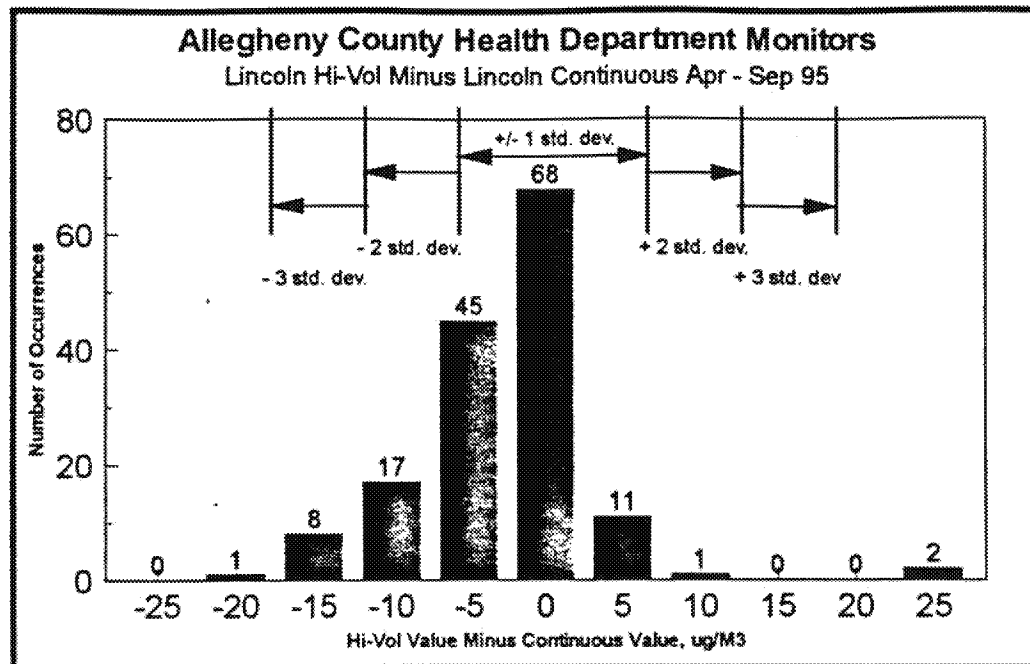


Figure 15 Lincoln Hi-vol Minus Continuous Readings

- The Lincoln-Farm and Lincoln-Bellebridge monitors, each within one half mile of the Lincoln high volume monitor, show extremely different readings from the Lincoln monitors
- Even the "co-located Lincoln continuous monitor and Lincoln high volume monitor frequently register differences of at least 5 ug/M³ and as much as \pm 20 ug/M³ for daily values . (See Figure 15)

A microscale "would typify areas such as downtown street canyons and traffic corridors where the general public would be exposed to maximum concentrations from mobile sources....." and requires that the monitors be placed "near inhabited buildings or locations where the general public can be expected to be exposed to the concentrations measured." 40 CFR 58 Appendix D, Subsection 1.8. This is not the case with Lincoln high volume monitor and therefore raises the question of the value of this monitor (as it relates to health based effects as cited in background section of the proposed rule).

2a. Conflicting Data

The following conflicting data was reported for the Lincoln High Volume and Lincoln Continuous Monitors.

<i>Date</i>	<i>Lincoln High Volume</i>	<i>Lincoln Continuous</i>	<i>Liberty High Volume</i>
01/28/92			175
12/15/92	186		
5/10/93	167		
11/23/93	223	195	
2/19/94	163		
3/7/94	157		

The Lincoln High Volume monitor is located within 10 feet of the Lincoln Continuous Monitor. The Lincoln High Volume indicated five potential exceedances for the period 1992 through 1994 and the Lincoln Continuous monitor indicated only one exceedance for the same period.

The two monitor's reading show two things: First a significant bias exists between the two sites and second differences between the monitors values of daily averages on key days differ by $\pm 20 \text{ ug/M}^3$. Since determining a true PM-10 concentration is presumable a major objective of monitoring, averaging the data from two co-located monitors is a logical first step in reducing bias and extraneous variability.

Average of Readings from Lincoln High Volume and Lincoln Continuous

<i>Date</i>	<i>Lincoln High Volume</i>	<i>Lincoln Continuous</i>	<i>Average of Values</i>
12/15/92	186	did not exist	not applicable
5/10/93	167	insufficient data	not applicable
11/23/93	223	195	209
2/19/94	163	149	156
3/7/94	157	135	146

Simple averaging results in the elimination of one of the monitored exceedances.

2b. Passive Accumulation Adds to Bias of Lincoln High Volume Monitor as Compared to Lincoln Continuous

Periodically during a week, daily sampling is conducted for each of the high volume monitors. Filters are collected from each monitor for a 24-hour period which runs from midnight to midnight. To limit the number of collection trips and collect the samples on a daily basis, the monitoring stations have multiple samples which are programmed to sample on consecutive days. As a result, sample filters may lay passively in the monitor for a number of days without any samples being taken. Based on a study conducted by Allegheny County, Passive Particulate Study, the data collected from these monitors was determined to be biased high. The study indicated that "the average amount of excess particulate that accumulate on a short-term, 24-hour PM-10 sample is 1 ug/M^3 for each day that the sample lays passively in the high-volume monitor".

(Passive Particulate Study, Allegheny County, Section A.3.). Therefore, the daily values as well as the annual values are biased high.

As reported by Allegheny County, the filter at the Lincoln High Volume monitor for the day of March 7, 1994 laid passively in the monitor a total of four days. Thus applying the results of the Passive Particulate Study, the reported concentration of 157 ug/M³ should be adjusted by 4 ug/M³ for a concentration of 153 ug/M³.

Allegheny County has recognized that their former practice of allowing high volume filters to remain on site for several days before and/or after their actual use has resulted in a bias on the average of about one microgram per cubic meter per passive day. Applying the appropriate correction factor to the 3/7/94 high volume measurement showed that the measured value for that day was biased high by an estimated 4 ug/M³. The technique was also appropriately applied to the annual average to compensate for the passive accumulation bias; the annual bias was estimated to be 3 ug/M³. The same technique should be applied to all data collected under the protocol that allowed filters to remain in the passive condition for extended period of time.

The discussion below expands the passive accumulation principle to include the full range of passive accumulation data and the concept of averaging high volume and continuous data. Allegheny County's Passive Particulate Study shows accumulation of up to 2.98 ug/M³/day (Table A.3.1), and Allegheny County's Appendix B: Examination of Conservatism in Annual PM-10 Values Reported to 1992-1994 in the Liberty Borough / Clairton non attainment Area" (Table B.2.1) shows up to six passive accumulation days per filter. Based on 2.98 ug/M³/day and six days of accumulation, the total passive accumulation could be as high as 18 ug/M³. (In a recent telephone conversation with Allegheny County personnel, we were advised that actual days of passive accumulation are not available for the dates identified in Federal Register notices as exceedances.) The table below shows that, when the passive accumulation and average principles are integrated, only one exceedance remaining as a near certainty (11/23/93), one has a high probability (12/15/92) and one is possible but unlikely (5/10/93).

Date	Hi-Vol Raw Data	Passive Accumulation	Hi-Vol Adjusted Data	Hi-Vol Mid-Point	Continuous Raw Data	Average (Mid- Point+Conti nuous)/2	Exceedance ?
12/15/92	186	0 to 18	168 to 186	177	none	n/a	Probably
5/10/93	167	0 to 18	149 to 167	158	none	n/a	Unlikely
11/23/93	223	0 to 18	205 to 223	214	195	205	Yes
2/19/94	163	0 to 18	145 to 163	154	149	152	No
3/7/94	157	4	153	153	135	144	No

The treatment of the data tabulated above shows that, even disregarding likely positive biases from the generator exhaust and the unvegetated location, there are probably only two exceedances substantiated for the 1992-1994 period. This means that based on this logical approach there probably is no violation of the NAAQS.

2c. Escalation to Calculate "Expected" Exceedances is inappropriate.

In addition a U.S. Steel consultant, Splitstone and Associates, has reviewed the data from the perspective of incomplete data and the determination of expected" number of exceedances. Splitstone's conclusion is that an exceedance should occur once in 2.2 years at Lincoln or about 0.45 occurrences per year. Splitstone's conclusion is consistent with the tabulated data, above and also is consistent with the argument that was made in Allegheny County's comments "Exhibit D: Meteorological Data Examination" which demonstrated the low frequency of severely adverse meteorological conditions. The foregoing indicates that the most appropriate estimate of the average number of annual exceedances, 1992-1994 should include no escalations for missing data. Based on this methodology, there probably is no violation of the NAAQS, even if the biased high data is only partially corrected (i.e. for passive accumulation but not for generator exhaust or sparsely vegetated surroundings).

CONCLUSION

In conclusion, Section VI shows that the Lincoln High Volume data should be discarded because of siting irregularities and resulting bias. However, even that flawed data, when adjusted for some of the known biases and combined with the continuous monitor's data shows attainment with the NAAQS.

SECTION VII	-	Relevance of such information in determining whether or not the area has achieved the NAAQS.
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Legal Considerations

The data cited in the EPA's proposal is flawed in that it violates several siting criteria. Specifically, the provisions which suggest that the ambient air data measured should be accessible to the general public, representative of the exposure of the general public, meteorologically representative and uncontaminated by unvegetated ground and nearby chimneys. Those discrepancies enumerated above invalidate all of the Lincoln data heretofore collected. The data is not useful in indicating people's exposure to PM₁₀ and, undoubtedly, inaccurate because of the PM₁₀ generated by virtue of the monitor's very existence, i.e. the dirt road and generator exhaust.

The flaws and bias in the data notwithstanding, and when known-magnitude biases are accounted for and all of the Lincoln data (high-volume and continuous) are merged, the Lincoln monitors show attainment.

Because all of the other monitors in the area clearly show attainment, the entire Liberty Borough Area should be declared "attainment."

Technical

The most critical technical issue raised in these comments is the virtual certainty that the samples taken by the Lincoln high-volume monitor are contaminated by sources which exist only because the monitor exists: the dirt road and especially the generator exhaust located below the sample inlet. That exhaust is very likely to have over 10,000 µg/M³ particulate content and would have the greatest impact on measured values in stagnant air/inversion conditions.

"Common Sense"

Many of the discussion items above dictate that a "common sense" perspective precludes a "serious" designation for the area. Air quality has been improving steadily through continuing, cooperative, voluntary initiatives involving local industry and government. An inflexible approach to the question would dilute that effort and possibly undermine the relationships that have led to this

progress. Most of the parties involved in SIP development, although aware of statutory requirements, expected that the resources invested in SIP development and mandated emissions controls would be recognized and the SIP evaluated on its merits; a "serious" designation at this time would show that the trust invested in the process and the parties was misplaced.

The unusual configuration of PM₁₀ sources, local terrain, and local weather patterns makes the beneficial impact of BACM problematic. BACM is extremely expensive and is usually required for sources at all times, i.e. 8760 hours per year (365 days x 24 hours). A careful analysis of the high volume sampler data and continuous sampler data at Lincoln would conclude that only one to two hours of data per year (or one to two hours of daylight) are the difference between expensive BACM controls and no further controls. (However, because the data generated at Lincoln is invalid, it is impossible to state with confidence what the true air-quality history is at that location). The most reasonable, efficient, and effective means of avoiding high 24-hour PM₁₀ values is a program such as U. S. Steel's voluntary "Self-Audit Emergency Action Plan," which deals with extreme meteorological conditions. Traditional controls which might be required, such as battery combustion stack electrostatic precipitators, would be ineffective in producing a significant improvement in ambient air quality during stagnant air/inversion periods. That is, simply mandating such BACM controls through a "serious" designation would require high capital and operating expenditures without the desired improvement in short-term air quality. Similarly, the redesignation could force municipalities to perform road cleaning, which would be equally ineffective in improving air quality at the critical times.

Section VIII - Comments on Executive Order (E.O.) 12866

As a result of Executive Order ("E.O.") 12866 of September 30, 1993 governmental agencies are to determine if proposed regulatory actions are significant and thus should be subject to review by the Office of Management and Budget and to economic analysis. A "significant regulatory action" is "any regulatory action that is likely to result in a rule that may.....have an annual effect on the economy of \$100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal, governments or communities." E.O. 12866, Section 3 (f).

The cost of redesignation is yet to be determined. The required installation of control equipment which is Best Available Control Measures (BACM) most probably will be very costly to local industry. However, the precise equipment and the related costs are still unknown.

Considering the stringency of regulations developed historically in Allegheny County as a result of the litigation tactics of citizen groups, the overall worst case cost may reach \$100 million dollars per year. For example, it is possible that electrostatic precipitators ("ESP's") would be required for coke battery combustion stacks. U. S. Steel has very roughly estimated the capital requirement for twelve batteries at Clairton Works to be \$95 million. Annual operating costs can be roughly estimated at 15% of capital or about \$14 million. Combining depreciation and operating costs, this potential requirement alone could result in an annual impact of over \$20 million.

Although it is conceivable that, based on requirements such as ESP's, the Executive Order threshold of \$100 million dollars per year could be reached, consideration of the obligation to perform an economic analysis should include the proposal's affect on "...a sector of the economy, [and] competition." Using the \$20 million annual cost for ESP's as an example: Clairton Works, at full capacity, produces about 4.7 million US tons of blast furnace coke annually. A \$20 million additional annual cost would result in an increase in production costs of over \$4 per US ton. Blast furnace coke has typically been traded at under \$100 per US ton on a contract basis and as low as \$64 per ton in the spot market, and, as would be expected in a mature process industry, at relatively low margins (United States International Trade Commission, Metallurgical Coke: Baseline Analysis of the U.S. Industry and Imports, Table 3-21, March 1994). In such a market, an increase in the operating cost equivalent to 3-5% of proceeds is certain to have a material effect on Clairton Works' competitive position in the blast furnace coke market.

To determine if such a review should be conducted, the adverse effect to other local industry and municipalities must be another area of tremendous concern. The effect on the industries and municipalities within the area will definitely be material. Because the effect of such regulatory action falls within the definition of significant, the EPA should be required to fulfill the requirements of this Executive Order.

In summary, realistically, it is not believed that precipitators on coke combustion stacks would ever be required at Clairton Works for the following reasons:

- Current emission performance from coke combustion stacks is outstanding and very insignificant benefit would occur.
- The modeled air quality benefit of the installation of precipitators on coke combustion stacks would be insignificant.
- Cost would never justify the benefit.

However, because of the administrative procedures of the Clean Air Act and potential requirements for BACM, the above section has been submitted for comment and review by EPA.

SECTION IX**- Clairton Works' voluntary activities and plans for future reduction of PM₁₀ levels in the ambient air of the surrounding communities.**

The USEPA has requested comments on all aspects of the proposal, including air quality trends, as they relate to implementation of the control requirements.

U. S. Steel has commented on the above issues with respect to control actions that have already been fully implemented.

The following information emphasizes plans for future "voluntary," "proactive" activities that can have a mitigating effect with respect to the need for designating the area as "serious non-attainment."

It is Clairton Works' plan to install:

- (a) Continuous opacity monitors on the combustion stacks of seven batteries. Cost is estimated to be \$700,000 and anticipated completion will be December 1995. The monitors can be used as early warning detectors to help minimize potential future opacity concerns. The monitors can be very helpful and start programs for early remediation. At completion of the program all twelve batteries will have continuous opacity monitors on the main combustion stacks.
- (b) Cooling Tower Drift Eliminators. Cost is estimated to be \$215,000 and estimated completion will be mid-1996. Estimated PM₁₀ reduction is 43 tons/year.
- (c) Quench Car Delay Under Hood. Cost is potential loss of coke production. This 10- to 15-second delay (on an annual average) is already in effect. It is estimated to reduce PM₁₀ emissions by about 65 percent of the contingency plan (93 tons/year).
- (d) Mechanical Hearth Cleaners, Six Batteries. Cost is estimated to be \$133,000. Project is 15 percent complete and expected to be completed in late 1996. Reduced PM₁₀ emissions from doors should result.
- (e) Install New Coke Oven Door. Cost for all new doors on all batteries is estimated to be about \$5 million dollars. Status is 35 percent complete. The overall project is estimated to be complete in late 1997. The project reduces toxic "Coke Oven Emissions," including

PM₁₀ emissions from doors, and also has the potential to reduce coke oven production which could be at a considerable cost to Clairton Works.

- (f) Dust Controls for Coal Handling Preparation and Pulverization which go well beyond the current SIP requirements.

The above are the more traditional controls that will be initiated to minimize PM₁₀ emissions on a day-in/day-out operating basis.

U. S. Steel Clairton Works has accepted the reality that additional control actions should be taken on stagnation days in order to prevent the possibility of having an exceedance of the ambient air quality standards and therefore have adopted a program similar to BEQ's Ozone Action Plan.

To implement that program U. S. Steel has invested hundreds of thousands of dollars to install its own PM₁₀ monitoring and meteorological stations and an associated data handling and communications network. Most important, a team of about 20 individuals (union and management) have developed a program to initiate self-audits to insure that all plant air emission controls are operating, and, on a case-by-case basis, reschedule or modify certain activities on a temporary basis, e.g. stocking and destocking of coal. This program is known as the PM₁₀ Self-Audit Emergency Action Plan (see Appendix 2).

The Self-Audit Emergency Action Plan is an environmental management system and is structured into an Awareness System and three Alert Stages. It includes criteria and instructions on how to determine when actions are needed, what actions are to be taken, and who is responsible to initiate the actions.

The Plan involves employees at all levels at Clairton Works, including Operators, Shift Managers, Area Managers, Environmental Control Manager, Utility Managers, outside contractors, and the General Manager, particularly if a third-stage alert must consider evaluating the possibility of "reducing production."

Can the Plan be effective in minimizing the possibilities of an exceedance? The answer is apparently "yes." For example, on March 12-14, 1995, there was what has been described by Allegheny County as a "once in seven years" air stagnation period. The County's Liberty Borough monitor had an exceedance on March 12. Because the data was not available to U. S. Steel on March 12 no special control actions were taken. (For this reason, U. S. Steel has set up its own monitoring and meteorological network at U.S. Steel's cost.) However, on March 14, 1995, stagnation conditions continued. Elevated readings resulting from many sources locally and regionally evidenced by high sulfates on the filter. (U.S. Steel generates minor quantities of sulfur-sulfate

emission). No exceedance occurred on March 14, 1995, apparently due in large part because U. S. Steel implemented some of the components of its current PM₁₀ Self-Audit Action Plan. It remains to be seen whether this plan can be successful under all meteorological conditions.

Some important differences exist between the PM₁₀ action plan and the Ozone Action Plan. These should help make the PM₁₀ plan easier to administer and effective:

- The Ozone Action Plan requires education and commitment from a broad spectrum of people engaged in diverse activities; the PM₁₀ plan focuses on a small, concentrated group, which already have a management system in place.
- The Ozone Action Plan requires communication to millions of people; the PM₁₀ plan includes a formal communications network involving fewer than 2000 people.
- The Ozone Action Plan requires voluntary action by a high percentage of the County's population; the PM₁₀ plan requires action by a well trained few.

SECTION X

-Timing of Proposed Rule is inappropriate for data taken at the Lincoln high-volume site.

The Federal Clean Air Act (CAA) was modified in November 1990. The CAA placed emphasis on Group II areas, areas with a demonstrated NAAQS violation, as measured prior to January 1, 1989.

The Liberty Borough-Clairton area was designated as moderate non-attainment, based on air-quality data at the Liberty Borough monitoring site prior to January 1, 1989. "Moderate" areas automatically designated and classified by operation of law in the 1990 amendments must attain no later than December 1, 1994; all other moderate areas (i.e., those designated after enactment of the 1990 amendments) must attain "by no later than the end of the sixth calendar year after the area's designation as non-attainment."

Based on all of the relevant facts, it is the U. S. Steel position that:

1. The Liberty Borough Clairton area should be designated as attainment, based on the fact that the original station responsible for the non-attainment (Liberty Borough) now has three years of data (1992-1994) to support an attainment designation.
2. As intended by the Clean Air Act, it was the responsibility of government to submit a SIP revision to demonstrate attainment by November 15, 1991.
3. The EPA issued a notice on December 16, 1991, for the failure of government to submit a SIP.
4. The timing in the Act, along with sanctions, etc., was based on having a SIP submitted by November 15, 1991, so that sources could have approximately three years to install and demonstrate compliance by the statutory deadline of December 31, 1994.
5. From a timing standpoint, it is only fair, reasonable, and practical to base attainment/non-attainment ruling on the station(s) that was in non-attainment as of January 1, 1989, (CAA designation basis) or November 15, 1991 (SIP submittal deadline) and to track compliance/non-compliance with that station until December 31, 1994.
6. All other non-attainment areas (i.e., those designated after enactment of the amendments) such as the Lincoln high-volume station - the basis of the proposed rule should attain "by no later than the end of the sixth calendar year after the area's designation as non-attainment."

Hence, if the Lincoln high-volume station (which did not start until September 1992) comes into play (and that is highly questionable because of siting problems, conflicting data, inaccurate data due to passive accumulation and biased high data because of the propane generator exhausting between 10,000 and 18,000 ug/M³ of contamination near the high volume sampler intake), then it should be given "no later than the end of the sixth calendar year after being designated as non-attainment. Without this interpretation and considering that SIP was not submitted until 1993 chaos and confusion reign. For example, sources did not have to install additional controls until 1993-1994. It would be unjust to have a source install \$200 million dollars of controls in 1993-1994 and now in 1995 be designated as serious for exceedances that occurred prior to the installation date of the \$200 million dollar program i.e. for the year 1992 as being referred to in the proposed rule. It would also be unfair to U.S. Steel who installed \$200 million dollars of controls, the majority of which was earlier than SIP requirements of 1993-1994 and be designated as part of a serious nonattainment area requiring additional BACM controls.

SECTION XI-**Leveling the Playing Field and Motivating
Individuals to Higher Levels of
Environmental Excellence and Leadership**

The actions that the Federal EPA is considering today can and will have serious environmental consequences on U. S. Steel's Clairton Works. The proposed action today could and should result in all or the largest majority of area surrounding U. S. Steel's Clairton Works, as being classified as attainment for particulates and, if the EPA wants to update the records for SO₂, the area should also be designated as attainment for sulfur oxides. This could be an historic event, i.e., the first time in twenty (20) years that such actions could be taken. We would like to express an industrial viewpoint on this difficult decision and how the outcome could affect environmental progress in the years to come.

Consider the differences and ruling on non-attainment issues with respect to three different air pollutants in Western Pennsylvania.

1. **VOC**. Almost to the day that VOC had attained a three-year record of attainment, a request was being made to reclassify the area to "attainment." Since the action would generally help the public, there was no adverse comment and the issue sailed through the administrative procedures of government. As a result, in the Federal Register in the past year, the Southwestern Pennsylvania area was designated as "attainment."
2. **SO₂/Clairton Area**. About \$50 million was spent to control sulfur emissions at Clairton Works. Attainment levels were achieved. However, problems occurred due to some malfunctions. U. S. Steel voluntarily installed back-up control facilities and **continuously runs the back-up system, probably unprecedented with industry in Western Pennsylvania**. As a result, there has not been an SO₂ air-quality violation in five years. The area should be classified now as "attainment" (in fact, even the EPA in a recent Federal Register referred to the area as "attainment"), but officially the area is still designated as "unclassifiable."

The point is that it is our perception that it is extremely difficult for the agencies to take any positive control actions with respect to coke works air emission sources.

3. **PM₁₀/Liberty Borough Area**. About \$200 million was spent to control air emissions. All areas in 1995 show attainment (although one small area had conflicting data between two monitors at that same site). Thousands

of samples over the last three years show major improvements in air quality and the majority support attainment.

Incredibly, there is no mention of proposing the area as "attainment", but to move the area from "moderate non-attainment" to "serious non-attainment".

The issues go further than the big issues of "attainment" or "non-attainment," but occur on the day-in/day-out activities of the agency. For example, to show how extremely conscientious is the Allegheny County Health Department the following is an excerpt from the Allegheny County PM₁₀ comments:

"Prior to establishing this tenth monitoring station in the Liberty Borough/Clairton Nonattainment Area, the County had to acquire property access rights from two different property owners, one of whom is located out-of-state, and cut in a 2000 foot gravel roadway through undeveloped property. Due to the lack of accessible utilities, the County has powered the station from its inception to the present time with a series of generators and back-up generators. Limited access to Gobblers Knob contributed to the multiple problems encountered with providing continuous power to the Lincoln monitor and adversely affected the percentage of data recovered as explained in Table C.1. of Appendix C, Data Recovery Rates for the Lincoln High-Volume Monitor.

"For example, a breakdown in both the primary and back-up generators caused a devastating 125 day outage from October 1, 1994 through February 2, 1995. The motor burned out in one generator and the back-up one went down soon thereafter. The repair cost nearly equaled the cost of a new replacement generator. A lengthy manufacturing delay occurred after the County ordered a new water cooled, larger capacity generator. This new generator was installed and sampling started on February 3, 1995."

In order to level the playing field, a national or regional study should be conducted to determine the following:

1. The number of monitors used by various agencies at various coke-plant operations.
2. Whether non-attainment monitors were ever moved. If so, were the monitors moved away or closer to the source?

We believe that the results of the above study will show that our operations are and have been subjected to unjust or disproportionate environmental scrutiny.

We believe that the USEPA should declare the area "attainment." We feel that this action will do much to raise environmental morale of all of the 1750 workers at Clairton Works.

Section XII**-****Allegheny County Health Department is to be
Commended on Efforts to Solve Difficult
Nonattainment Issue**

U.S. Steel recognizes the conscientiousness and tremendous efforts of the Allegheny Health Department to solve this difficult non-attainment issue. To highlight the effectiveness of the Allegheny county Bureau of Environmental Quality, one only has to look at the tremendous improvements in air quality readings at the Liberty Borough monitor, i.e. no violations of the air quality standards for the period 1992, 1993, 1994 and 1995.

For this reason, and to avoid potential litigation, U.S. Steel, under a worst case scenario, would support the following recommendation for reclassification:

Reclassify the areas of Liberty Borough, Clairton, Glassport, Port Vue and largest part of Lincoln as Attainment. Reclassify the very small area near the Lincoln High-volume site as "unclassifiable." Go forward with either a one year or two year or even six year (as referenced to in the CAA) extension and find a new representative replacement monitor site in Lincoln near inhabited buildings and , equipped with continuous, electrically powered samplers. Use data at this site to make a future decision on the attainment status of this small section of Lincoln.

Section XIII - U. S. Steel's Recommendations

1. Reclassify the Liberty Borough, Pennsylvania nonattainment area as attainment, or
2. Grant Extension. As recommended by the Allegheny County Health Department grant a one (1) or two (2) year extension or perhaps even a six (6) year extension, since the controversial Lincoln Station commenced operation after the 11/15/91 submittal data required for State Implementation Plans. (See Section XIII)

In summary, we believe this proposal is the most important Clean Air Act issue that we have faced in the last 20 years. Reasonable decisions on this issue can remove the stigma of "nonattainment". Programs based on "Environmental Excellence" can then be implemented as we approach the year 2000. Thank you for considering our detailed comments.

EXHIBIT BIT C

Reader's Viewpoint

Pollution Standards Met!

This letter is in regard to area pollution. Allegheny County data shows that Clairton, Port Vue, Liberty and Glassport have clearly achieved the national standards.

The only area in doubt is a small, uninhabited area in the Borough of Lincoln. The data collected from this monitoring site is of questionable validity. There is no data supporting unhealthful exposure to the people of the area. The Health Department opposes the serious non-attainment reclassification of this area, as do all of the real stakeholders.

Why do we continually hear from the few who speak out in favor of the "serious" classification? The Council of the Borough of Lincoln resolved and enacted a resolution on Oct. 17, 1995, in support of

Allegheny County and the State Implementation Plan (SIP).

The Allegheny County monitors showed a reduction of about 10 percent in PM-10 from 1994 to 1995 at the Borough of Lincoln monitoring sites. This indicates the SIP coupled with the voluntary reductions by our local industries has worked.

I support the EPA making a decision that, based on valid data collected by Allegheny County, all of the county has achieved compliance with the national standards and should be designated "attainment." It is time the real stakeholders voices are heard on this issue.

Nick Vay
Lincoln Councilman

Clairton Non-Attainment Status Could Affect Jobs

BY LISA BENFORD PETZEL
Daily News Staff Writer

The reclassification of the Clairton area as serious non-attainment for air quality could affect 45 percent of the jobs in a five-community area.

According to Alan Bernstein, director of health and safety products from CONSAD, a company that conducted a research study commissioned by Allegheny Institute on Public Policy, the reclassification of the area by the federal Environmental Protection Agency as serious non-attainment for PM-10 particulate would mean costly regulations for industry that could likely lead to layoffs, bankruptcies, plant shutdowns, reduced wages and job losses.

EPA has proposed changing the classification because of readings in excess of allowable levels of particulates allowable under the 1990 Clean Air Act.

Bernstein said 2,700 jobs could be directly affected in the area that includes Lincoln, Liberty, Clairton, Glassport and Port Vue.

He said 1,900 of the 4,276 jobs in the communities — or 45 percent — have a high probability of being affected.

U.S. Steel's Clairton Works, Aristech Chemical, C & C Marine Sand Blasting and Glassport Transportation Center are among those most likely to be affected, and Edgar Thompson Works, Hercules and Duquesne Light's Elrama plant could be affected as well.

Because the facilities are heavy manufacturing, many other firms that supply materials to the manufacturing companies could be affected as well. He estimated as many as 5,500 to 8,200 jobs could be indirectly affected, many of them from small businesses.

U.S. Rep. Mike Doyle, D-Swissvale, who called the press conference at Clairton city hall yesterday he

believes the EPA should allow Allegheny County's \$1.5 million plan that was completed in 1995 time to address the concerns it was designed to before reclassification.

"There has to be a balance between clean air and a productive economy," he said.

Bernstein also said the new classifications could cost area municipalities hundreds of thousands of dollars in unfunded cost on an annual basis.

For instance, he said road sweeping controls to keep down road dust could be required.

Roads were determined to be the biggest sources of pollutants.

Clairton Councilman Donald Desiderio said his already distressed community could not bear to pay the cost of such a control.

"Clairton can't afford to hire a street sweeper and buy equipment," he said.

Jerry Strellick, president of the United Steelworkers Local 1557 said he, too, is behind efforts not to have the area reclassified because he believes it would be devastating to U.S. Steel's Clairton Works.

He said he believes the placement of a monitor across the river from the plant is the same as putting a monitor in a chimney and does not give an accurate depiction of the air quality in the area.

"When I started here in 1968 Clairton Works was a hell hole. But give us a break," he said. "Now there are trees and wildlife."

Port Vue Council President Mark Tortorice, 37, however, said he wants to see the air quality continue to be improved. He said he believes the Hodgkins disease he developed when he was 23 could have been caused by the poor air quality here.

"I'd rather be broke and poor and not have my health," he said.

ENVIRONMENTAL PROTECTION AGENCY

Mon Valley jobs risked

Study: Clean air violations would cripple area's economy

By Karen Zapf
TRIBUNE REVIEW

The Environmental Protection Agency's proposal to find five Mon Valley communities in violation of clean air standards would cripple the economy in those towns and surrounding areas.

That is the conclusion of a new study sponsored by the Allegheny Institute for Public Policy, a local conservative think tank, and completed by CONSAD Research Corp.

According to the study, which was discussed Friday at a news conference at the Clairton Municipal Building — the City of Clairton and the boroughs of Glassport, Port Vue, Liberty and Lincoln face more than 1,900 lost jobs, and constraints would be placed on development.

"The study is designed to put a face on the consequences of government action," said Wilbur A. Steger, president of CONSAD.

"If you cannot eat, air becomes a secondary matter," said U.S. Rep. Mike Doyle, D-Swissvale, who is calling for a review of the EPA proposal based on the study.

Also, the EPA mandate would

translate into several hundred thousand dollars in unfunded costs for a new improvement program and street-sweeping controls to reduce road dust.

"The City of Clairton cannot afford to hire street sweepers," said Clairton Councilman Don Desiderio. "We are financially distressed. If Clairton Works closes down you, may as well close down Clairton."

The Clairton/Liberty Borough area, home to large coke-making facilities, was originally found to be in violation of air standards in 1987 and 1988.

A combination of remedial measures undertaken by the cited polluters and an implementation plan developed by the county was successful in reducing the amount of dust particles in the air by the early 1990s.

But on Sept. 19, 1995, the EPA again found the area to be violating federal air-quality standards and proposed to reclassify Clairton/Liberty Borough as a non-attainment area subject to federal intervention and sanctions, including a loss of federal funds for economic growth and highway con-

struction projects.

The county, however, quickly responded. In a letter to the EPA dated Nov. 7, it urged the EPA not to take action at this time against the county, but instead to allow continued implementation of the anti-pollution attainment plan.

If the EPA proceeds with a reclassification of the area, the county would redo its 1993 pollution implementation plan — a plan that it has already spent \$1.5 million to develop.

Gerald Strellick, United Steelworkers local president at the USX Clairton Coke Works, said the air is much cleaner in the region today.

"My lungs breathe clean air here in Clairton," Strellick said. "A handful of people are trying to ruin our lives."

But one member of the audience, Mark Tortorice, 37, president of Port Vue Council who developed Hodgkin's disease at the age of 22, cautioned officials not to ignore the environmental issue.

"I would rather be broke, poor and living, than have a job and not have my health," said Tortorice, who said he has recovered from the disease.

Steger said a copy of the study, which cost \$15,000, has been sent to the EPA, and the agency has not said when a decision will be reached.

E X H I B I T D

APR 30 1996

Concerns aired on planned EPA regulations

By Jason Bolsture

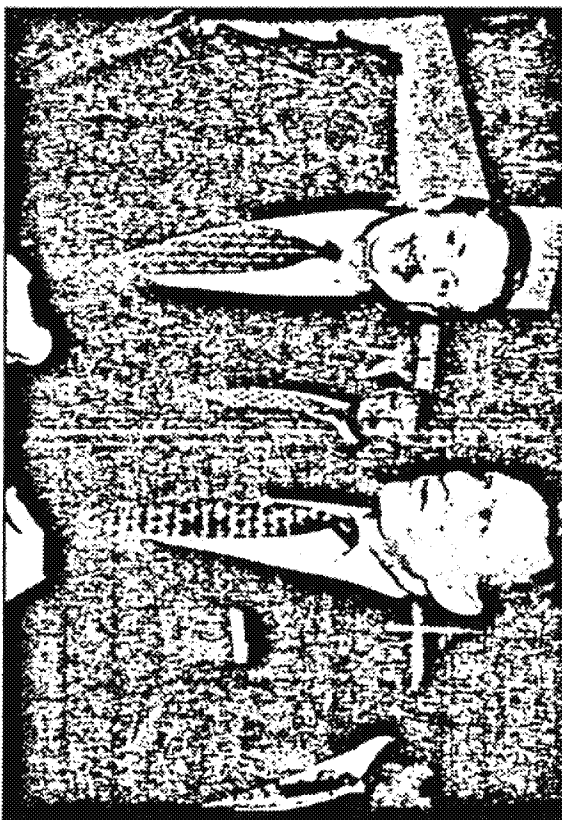
TRIBUNE REVIEW

U.S. Sen. Arlen Specter listened to county and community leaders Monday express their opinions that threatened clean-air regulations are unjust and would cost the Mon Valley thousands of jobs if implemented.

Specter, county officials and leaders of five Mon Valley communities traded information yesterday at South Allegheny Junior-Senior High School in Liberty Borough in preparation for a meeting they are set to have Wednesday with Carol M. Browner, director of the Environmental Protection Agency.

"The EPA is holding up any determination until we have this meeting," said Specter, a Republican from Philadelphia. "The bottom line is we need to purify the air, but we also need to have balance on jobs."

The EPA is considering whether to designate a five-community section of the Mon Valley as a "serious nonattainment area" after polluted air caused violations at a monitoring station last summer. The communities are Clairton, Glassport, Port Vue, Liberty and Lincoln.



Warren L. Leader photo

Sen. Arlen Specter (right) with Commissioner Larry Dunn

If the EPA classifies the area as a serious violator of air quality, as proposed, Mon Valley leaders claim steel mills and other manufacturing plants there will be forced to spend money to meet regulations and lay off workers as a result.

"We've lost many jobs in the Mon Valley, and the last thing we need to see is more jobs lost," Liberty Borough Mayor Edward Slater

told Specter.

Jerry Bowyer, president of the Allegheny Institute for Public Policy, a conservative think tank, said 2,700 jobs would be lost and thousands more impacted in some way by proposed EPA regulations.

"We're looking for a common-sense approach where you look at air quality and jobs, not just air quality," said Bowyer, whose group sponsored a report earlier this

month outlining the perceived detriment to the Mon Valley.

Specter met with officials in a room housing an air-monitoring device based at South Allegheny. But it was an air monitor in Lincoln Borough that was the subject of conversation.

That device, the Lincoln High-Volume Monitor, is credited with producing the unclean-air readings that caught the EPA's attention. But Roger Westman, air quality manager for Allegheny County, told Specter that readings taken at the site often accumulated more than a day's worth of pollution particles because the device wasn't staffed and cleaned on a daily basis.

"We are following all the EPA guidelines," Westman explained. "Some of the earlier violations that we saw just slightly over the standard really were due to this factor that we call passive accumulation."

Many leaders also noted that the monitor in question is located in a "hot zone" near an industrial area, downwind of smokestacks.

"It's not located in an area representative of where people live," said Gerald Strellick, United Steelworkers local president at the USX Clairton Coke Works. "It's like putting that monitor right down my chimney."

STATE / REGION

Inspector to ask EPA to re-evaluate Clairton air rating

By Don Hopley

Post-Gazette Staff Writer

Because of the potential loss of jobs, the decision whether the Clairton area is in serious violation of the Clean Air Act should be made at the highest federal level, Sen. Arlen Specter said yesterday.

The Pennsylvania Republican said he will ask U.S. Environmental Protection Agency Administrator Carol Browner to get involved in determining whether five Monongahela River communities should be reclassified from "moderate" to "serious" nonattainment for breathable airborne particles.

"A lot of matters really require top level evaluation, and this is one that does," Specter said. He said he would bring up the issue tomorrow at a previously scheduled meeting between Browner and county offi-

cials in Washington, D.C., about the region's ozone problems.

"I hope to get from Browner consideration for the unique problems of our region," Specter said after meeting with students, local officials and business leaders at South Allegheny High School, where air quality monitors are located on the roof.

Specter said he will not ask Browner to consider a waiver of the air quality regulations. "We ought to operate within the existing law," he said, noting that he was a strong supporter of the original Clean Air Act in 1960.

Clairton and the boroughs of Lincoln, Port Vue, Liberty and Glassport have been classified by the EPA as in "moderate nonattainment" for five years because monitoring recorded higher-than-allowable

"A lot of matters really require top-level evaluation, and this is one that does."

Sen. Arlen Specter

levels of airborne particles in 1988, 1989 and 1990. The area is the only part of Allegheny County that fails to meet federal air quality standards for breathable particulates.

The particulates are produced by industrial and power plant emissions; car, bus and truck engines; wood burning; mining; and construction. Studies have found that

high levels of the minute particles cause lung disease, heart ailments and premature death.

The EPA proposed a "serious nonattainment" classification for the municipalities in September 1995 based on violations of the health standard at the Lincoln monitor in 1992 and 1993, but it has taken no action.

The Group Against Smog and Pollution, a grassroots citizens organization, filed a federal complaint against the EPA in February, saying the agency failed to make the required decision. The EPA must respond this week.

Last week, the Allegheny Institute for Public Policy released a report that found up to 2,700 jobs, primarily in manufacturing, could be affected by the reclassification, with the effects possibly ranging from minimal to periodic layoffs to plant closings.

Specter said the EPA needs to "take a broader view" before it makes a decision on reclassifying the Clairton area. He cited unregulated emissions from across the border in Ohio and West Virginia and inaccurate air monitoring as factors that could cause EPA to give

the region more time to demonstrate compliance to air standards.

Roger Westman, Allegheny County Health Department division manager for air quality, said at least one recorded exceedance, in March 1994, was caused by the accumulation of particulates at a monitoring site over a weekend. He said the department is now changing filters at all monitors daily.

Allegheny County monitors air quality for fine particulates, sulfur dioxide, ozone, lead, carbon monoxide and nitrogen dioxide. There are 18 monitoring sites for fine particulates.

The EPA lists 75 areas in 29 states and Puerto Rico as nonattainment areas. Only five, including Las Vegas and the Los Angeles area, are classified as serious nonattainment areas.